

CITY OF SANTA BARBARA CITY COUNCIL

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Michael Self



James L. Armstrong
City Administrator

Stephen P. Wiley
City Attorney

City Hall
735 Anacapa Street
<http://www.SantaBarbaraCA.gov>

MAY 17, 2011 AGENDA

ORDER OF BUSINESS: Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council meeting begins at 2:00 p.m. in the Council Chamber at City Hall.

REPORTS: Copies of the reports relating to agenda items are available for review in the City Clerk's Office, at the Central Library, and <http://www.SantaBarbaraCA.gov>. In accordance with state law requirements, this agenda generally contains only a brief general description of each item of business to be transacted or discussed at the meeting. Should you wish more detailed information regarding any particular agenda item, you are encouraged to obtain a copy of the Council Agenda Report (a "CAR") for that item from either the Clerk's Office, the Reference Desk at the City's Main Library, or online at the City's website (<http://www.SantaBarbaraCA.gov>). Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office located at City Hall, 735 Anacapa Street, Santa Barbara, CA 93101, during normal business hours.

PUBLIC COMMENT: At the beginning of the 2:00 p.m. session of each regular City Council meeting, and at the beginning of each special City Council meeting, any member of the public may address the City Council concerning any item not on the Council's agenda. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that public comment is taken up by the City Council. Should City Council business continue into the evening session of a regular City Council meeting at 6:00 p.m., the City Council will allow any member of the public who did not address them during the 2:00 p.m. session to do so. The total amount of time for public comments will be 15 minutes, and no individual speaker may speak for more than 1 minute. The City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond their jurisdiction.

REQUEST TO SPEAK: A member of the public may address the Finance or Ordinance Committee or City Council regarding any scheduled agenda item. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that the item is taken up by the Finance or Ordinance Committee or City Council.

CONSENT CALENDAR: The Consent Calendar is comprised of items that will not usually require discussion by the City Council. A Consent Calendar item is open for discussion by the City Council upon request of a Councilmember, City staff, or member of the public. Items on the Consent Calendar may be approved by a single motion. Should you wish to comment on an item listed on the Consent Agenda, after turning in your "Request to Speak" form, you should come forward to speak at the time the Council considers the Consent Calendar.

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in this meeting, please contact the City Administrator's Office at 564-5305 or inquire at the City Clerk's Office on the day of the meeting. If possible, notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements in most cases.

TELEVISION COVERAGE: Each regular City Council meeting is broadcast live in English and Spanish on City TV Channel 18 and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at www.citytv18.com for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

ORDER OF BUSINESS

- 12:30 p.m. - Finance Committee Meeting, David Gebhard Public Meeting Room, 630 Garden Street
- 12:30 p.m. - Ordinance Committee Meeting, Council Chamber
- 2:00 p.m. - City Council Meeting

FINANCE COMMITTEE MEETING - 12:30 P.M. IN THE DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET (120.03)

Subject: Finance Committee Review Of The Proposed Two-Year Financial Plan For Fiscal Years 2012 And 2013

Recommendation: That the Finance Committee hear a report from staff on the Proposed Two-Year Financial Plan for Fiscal Years 2012 and 2013, including the Recommended Budget for Fiscal Year 2012.

ORDINANCE COMMITTEE MEETING - 12:30 P.M. IN THE COUNCIL CHAMBER (120.03)

Subject: Reach Codes - Energy Efficiency Standards

Recommendation: That the Ordinance Committee review possible incentive options for a voluntary Reach Code Ordinance Amendment establishing local energy efficiency standards for new construction and most additions, and provide direction to Staff.

REGULAR CITY COUNCIL MEETING – 2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meetings of April 21, and May 2, 2011.

2. Subject: Amendment Of Countywide Siting Element (630.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adding the Proposed Los Flores Ranch Integrated Waste Management Facility to the Countywide Siting Element, a Regional Solid Waste Planning Document, as Prescribed by the California Public Resources Code.

3. Subject: Acceptance Of Street Easements For Sidewalk Improvements (330.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting Street Easements for the Installation and Use of Public Sidewalk Access Ramps and Related Improvements on Portions of the Real Properties Commonly Known as 1131 Coast Village Road, 30 West Calle Laureles, and 628 West Mission Street, Authorizing City Public Works Director to Execute Same, and Consenting to the Recordation by City Clerk of Said Street Easement Deeds in the Official Records, County of Santa Barbara.

CONSENT CALENDAR (CONT'D)

4. Subject: Contract For Construction Of The Zone 6 Pavement Preparation Project (530.04)

Recommendation: That Council:

- A. Award a contract with Granite Construction Company (Granite) in their low bid amount of \$1,390,743 for construction of the Zone 6 Pavement Preparation Project (Project), Bid No. 3624;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$111,260 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- C. Authorize the Public Works Director to execute a contract with Flowers and Associates (Flowers) in the amount of \$109,412 for construction support services, and approve expenditures of up to \$10,941 for extra services of Flowers that may result from necessary changes in the scope of work.

5. Subject: Contract For Construction Of The Zone 6 Slurry Seal Project (530.04)

Recommendation: That Council:

- A. Award a contract with Pavement Coatings Co. (Pavement Coatings) in their low bid amount of \$1,011,716 for construction of the Zone 6 Slurry Seal Project (Project), Bid No. 3625;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$80,937 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- C. Authorize the Public Works Director to execute a contract with Flowers and Associates (Flowers) in the amount of \$196,655 for construction support services, and approve expenditures of up to \$19,665 for extra services of Flowers that may result from necessary changes in the scope of work.

6. Subject: Community Priority Designation For 602 Anacapa Street (640.09)

Recommendation: That Council find that the Antioch University development project at 602 Anacapa Street meets the definition of a Community Priority Project, and grant the project a Preliminary Community Priority Designation for an allocation of 2,671 square feet of nonresidential floor area.

CONSENT CALENDAR (CONT'D)

7. Subject: Response To The 2010-2011 Grand Jury Report - Improving Our Emergency Alert System In The 21st Century (150.04)

Recommendation: That Council review and approve a draft letter in response to the findings and recommendations of the 2010-2011 Santa Barbara County Civil Grand Jury report titled, Improving our Emergency Alert System in the 21st Century.

8. Subject: Appeal Of Penalty For Late Tax Filing By Santa Barbara Inn (270.06)

Recommendation: That the City Council appoint the City Administrator as the appropriate City officer to hear the appeal of the imposition of a penalty for a late transient occupancy tax payment upon the Santa Barbara Inn pursuant to the authority of Santa Barbara Municipal Code Section 1.30.050(B).

9. Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board Of Review Approval For 336 N. Milpas Street (640.07)

Recommendation: That Council:

- A. Set the date of June 7, 2011, at 2:00 p.m. for hearing the appeal filed by Tony Fischer, Attorney for the Mary Z. Frangos Trust, of the Architectural Board of Review action on the application of property owner Fresh & Easy Neighborhood Market, located at 336 N. Milpas Street, Assessor's Parcel No. 031-371-021, C-2 Commercial Zone, General Plan Designation: General Commerce. The project proposes the merger of three lots, the demolition of three existing nonresidential buildings totaling 12,919 square feet, and the construction of a new one-story, 11,680 square-foot commercial building and parking lot. The project was granted Preliminary Approval on October 9, 2006, and Final Approval on January 25, 2010. The decision under appeal is approval of a Review After Final for changes to the entry tower, ramp, doors, and roof parapet approved on April 4, 2011; and
- B. Set the date of June 6, 2011, at 1:00 p.m. for a site visit to the property located at 336 N. Milpas Street.

CONSENT CALENDAR (CONT'D)

10. Subject: Set A Date For Public Hearing Regarding Planning Commission Approval Of Valle Verde Retirement Community, 900 Calle De Los Amigos (640.07)

Recommendation: That Council:

- A. Set the date of June 14, 2011, at 2:00 p.m. for hearing the appeal filed by Marc Chytilo, Attorney representing Hidden Oaks Homeowners Association, and Weinberg, Roger & Rosenfeld, representing Service Employees International Union-United Healthcare Workers West and Friends of Valle Verde, approval of an application for property located at 900 Calle de los Amigos, APN/Zone Districts: Valle Verde Campus - 049-040-054/E-3; 049-440-016/A-1; 049-040-050/A-1 and E-3; 049-040-053/E-3; Rutherford Parcel - 049-440-015/A-1; General Plan Designation: Residential 5 Units per Acre, 1 Unit per Acre. The proposed project involves the demolition of two independent living residential units and one single-family dwelling, and the construction of 40 new independent living residential units. Four out of eleven studio units would be demolished. Changes to the existing support facilities would include a two-story addition to the Administration building, with a four room bed and breakfast located on the second story. The existing bed and breakfast, which was converted from an independent residential unit, would be demolished. The Assisted Living facility would be remodeled and four beds would be added. The existing maintenance facility would be demolished and rebuilt, and include a hobby area for the residents. Several of the existing parking areas on the project site would be reconfigured for dedicated residential, visitor and employee parking, and would provide a total of 83 new parking spaces. A parking permit program would be implemented to track the residential and employee parking. The project would include the dedication of a 9.8-acre oak woodland area on the western portion of the project site. The discretionary applications required for this project are Modifications, a Conditional Use Permit Amendment, and a Lot Line Adjustment; and
- B. Set the date of June 13, 2011, at 1:30 p.m. for a site visit to the property located at 900 Calle de los Amigos.

11. Subject: Set A Date For Public Hearing Regarding Appeal Of Parks And Recreation Commission Approval For 507 Brosian Way (570.08)

Recommendation: That Council:

- A. Set the date of June 28, 2011, at 2:00 p.m. for hearing the appeal filed by Cy Lyon of the Parks and Recreation Commission's approval of a request to remove two setback trees on the property located at 507 Brosian Way; and
- B. Set the date of June 27, 2011, at 1:30 p.m. for a site visit to the property located at 507 Brosian Way.

CONSENT CALENDAR (CONT'D)

12. Subject: Set A Date For Public Hearing Regarding Appeals Of Planning Commission And Single Family Design Board Approvals For 1233 Mission Ridge Road (640.07)

Recommendation: That Council:

- A. Set the date of July 19, 2011, at 2:00 p.m. for hearing the appeals filed by Marc Chytilo, Agent for Judy and David Denenholtz, of: 1) the Planning Commission's denial of an appeal of an approval by the Staff Hearing Officer of a Performance Standard Permit; and 2) the Single Family Design Board's Project Design Approval, of an application for property owned by Thomas and Barbara Sanborn and located at 1233 Mission Ridge Road, Assessor's Parcel No. 019-231-007, E-1 One-Family Residence Zone, General Plan Designation: Residential, One Unit per Acre. The project proposes the demolition of an existing residence, accessory building and detached garage (totaling 2,847 square feet) on a 31,584 square-foot lot in the Hillside Design District, and the construction of a new single-family residence and an Additional Dwelling Unit. The proposed main house is a two-story single-family residence with garage, workshop, patio, second-story deck, pool and spa totaling 4,395 square feet. The proposed Accessory Dwelling Unit is a one-story, additional dwelling unit with garage and storage area totaling 1,504 square feet. The discretionary applications required for the project are a Performance Standard Permit and Project Design Approval; and
- B. Set the date of July 18, 2011, at 1:30 p.m. for a site visit to the property located at 1233 Mission Ridge Road.

NOTICES

- 13. The City Clerk has on Thursday, May 12, 2011, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
- 14. Received a letter of resignation from Historic Landmarks Commissioner Susette Naylor; the vacancy will be part of the next City Advisory Groups recruitment.

This concludes the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

REPORT FROM THE ORDINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ATTORNEY

15. Subject: Medical Marijuana Dispensary Ordinance - Amendment For Dispensaries Permitted Under The March 2008 Dispensary Ordinance (520.04)

Recommendation: That the City Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code to Establish Revised Regulations for Those Storefront Medical Marijuana Dispensaries Permitted Under City Ordinance No. 5449 as Adopted on March 25, 2008.

ADMINISTRATIVE SERVICES DEPARTMENT

16. Subject: Agreements With Martin & Chapman Company And Donna M. Grindey, CMC, For Election Services Related To The November 8, 2011, General Municipal Election (110.03)

Recommendation: That Council:

- A. Authorize the Administrative Services Director to execute a \$141,500 professional services agreement, in a form of agreement acceptable to the City Attorney, with Martin & Chapman Company for election services, and to approve expenditures of up to \$21,225 for extra services that may result from necessary changes in the scope of work; and
- B. Authorize the Administrative Services Director to execute a \$40,000 professional services agreement, in a form of agreement acceptable to the City Attorney, with Donna M. Grindey, CMC, for election services, and to approve expenditures of up to \$6,000 for extra services that may result from necessary changes in the scope of work.

PUBLIC WORKS DEPARTMENT

17. Subject: Increase In Construction Change Order Authority For The Santa Barbara Airport Airline Terminal Improvement Project (560.04)

Recommendation: That Council:

- A. Authorize an increase in the Public Works Director's change order authority to approve expenditures for extra work for the Santa Barbara Airport Airline Terminal Improvement Project (Project), Contract No. 23,006, in the amount of \$1,270,000, to cover changes in work as a result of Transportation Security Administration (TSA) and airline tenants' requests, for a total Project change order expenditure authority of \$4,710,000; and

(Cont'd)

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PUBLIC WORKS DEPARTMENT (CONT'D)

17. (Cont'd)

- B. Approve a transfer of \$248,000 from the Airport's Bond Construction Account, representing accumulated interest earnings on invested bond proceeds during construction, to the Airport Capital Fund to provide the balance of appropriations needed to cover the total estimated costs of the Project, including the increased change order.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

18. Subject: Conference with Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is Drew Josfan vs. Nylon Project, LLC, etc., et al., USDC Case No. CV 09-7904 AHM (PLAx).

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

19. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with General, Treatment and Patrol, and Supervisory bargaining units, and regarding discussions with unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

ADJOURNMENT

CITY OF SANTA BARBARA

FINANCE COMMITTEE

MEETING AGENDA

DATE: May 17, 2011

Dale Francisco, Chair

TIME: 12:30 p.m.

Michael Self

PLACE: David Gebhard Public Meeting Room
630 Garden Street

Bendy White

James L. Armstrong
City Administrator

Robert Samario
Finance Director

ITEM TO BE CONSIDERED:

1. Subject: Finance Committee Review Of The Proposed Two-Year Financial Plan For Fiscal Years 2012 And 2013

Recommendation: That the Finance Committee hear a report from staff on the Proposed Two-Year Financial Plan for Fiscal Years 2012 and 2013, including the Recommended Budget for Fiscal Year 2012.



CITY OF SANTA BARBARA

FINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: May 17, 2011

TO: Finance Committee

FROM: Administration Division, Finance Department

SUBJECT: Finance Committee Review Of The Proposed Two-Year Financial Plan For Fiscal Years 2012 And 2013

RECOMMENDATION:

That the Finance Committee hear a report from staff on the Proposed Two-Year Financial Plan for Fiscal Years 2012 and 2013, including the Recommended Budget for Fiscal Year 2012.

DISCUSSION:

On Tuesday, April 19, 2011, the Proposed Two-Year Financial Plan for Fiscal Years 2012 and 2013 ("Proposed Plan") was submitted to Council. That day, the Finance Committee approved its budget review schedule for the Proposed Plan and the additional topics that it will review.

At its first budget review meeting held on April 26, 2011, the Finance Committee discussed the General Fund balancing strategy, General Fund non-departmental revenues and growth assumptions, and proposed changes to authorized positions citywide.

Over the next two Committee budget review meetings, held on May 3 and May 10, the Finance Committee reviewed proposed changes to fees and services for both General Fund and Enterprise fund departments.

At today's meeting, scheduled from 12:30 p.m. to 1:45 p.m., the Committee will review citywide reserve levels and discuss current Council reserve policies in place. Also, any additional budget information that the Committee has requested throughout its review of the budget will be presented.

The next Committee budget review meeting is scheduled on Tuesday, May 24, 2011, when the Committee will continue reviewing any additional budget information, consider any staff-recommended budget adjustments, and make its own Committee budget recommendations that will be presented to the full Council at the Special Budget Work Session and Public Hearing on Thursday, June 2, 2011.

The approved Finance Committee budget review schedule is attached to this report.

ATTACHMENT: Approved Finance Committee Budget Review Schedule

PREPARED BY: Jill Taura, Treasury Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA

Approved Finance Committee Budget Review Schedule
Two-Year Financial Plan for Fiscal Years 2012 and 2013

Meeting Date & Time	Department
Tuesday, April 26, 2011 12:00 p.m. – 1:45 p.m.	. ➤ General Fund balancing strategy (20 min) ➤ General Fund non-departmental revenues and growth assumptions (20 min) ➤ Proposed changes to authorized positions (20 mins)
Tuesday, May 3, 2011 11:30 a.m. – 1:45 p.m.	➤ General Fund proposed departmental fee changes (1 hour) ➤ Golf Enterprise Fund proposed fees (20 min)
Tuesday, May 10, 2011 11:00 a.m. – 1:45 p.m.	➤ General Fund proposed departmental fee changes – Part 2 (30 min) ➤ Enterprise fund proposed fee changes (1 hour 45 min) – Water, Wastewater, Waterfront, and Solid Waste
Tuesday, May 17, 2011 12:00 p.m. – 1:45 p.m.	➤ Review of Citywide reserve balances and policies (30 min) ➤ Follow-up on items requested by Finance Committee, if any
Tuesday, May 24, 2011 12:00 p.m. – 1:45 p.m.	➤ Follow-up on items requested by Finance Committee, if any ➤ Staff recommended adjustments to FY 2012 Budget, if any

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE MEETING

AGENDA

DATE: May 17, 2011
TIME: 12:30 p.m.
PLACE: Council Chambers

Grant House, Chair
Frank Hotchkiss
Randy Rowse

Office of the City
Administrator

Office of the City
Attorney

Lori Pedersen
Administrative Analyst

Stephen P. Wiley
City Attorney

ITEM FOR CONSIDERATION

Subject: Reach Codes – Energy Efficiency Standards

Recommendation: That the Ordinance Committee review possible incentive options for a voluntary Reach Code Ordinance Amendment establishing local energy efficiency standards for new construction and most additions, and provide direction to staff.



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: May 17, 2011

TO: Ordinance Committee

FROM: Building and Safety Division, Community Development Department

SUBJECT: Reach Codes – Energy Efficiency Standards

RECOMMENDATION:

That the Ordinance Committee review possible incentive options for a voluntary Reach Code Ordinance Amendment establishing local energy efficiency standards for new construction and most additions and provide direction to Staff.

DISCUSSION:

On January 25, 2011, Council considered an Energy Efficiency Standards Ordinance that would require new buildings and most additions to be 10 to 15 percent more energy efficient than the current 2010 California Energy Code. After deliberation, there was not sufficient Council support to adopt the proposal as recommended. Council instead voted that staff return to the City's Ordinance Committee with potential incentives for a voluntary Energy Ordinance.

On April 12, 2011, staff participated in a Green Building Incentives Public Forum sponsored by the Santa Barbara Contractors Association - Built Green Volunteer Program to discuss possible incentives that surrounding cities, including the City of Santa Barbara may implement. Although the forum was specifically for the "Built Green Volunteer Program", it did foster public discussion on possible incentives. Ultimately, the discussion did not yield significant incentives that could be offered to the public. Rather than incentives, the public felt that it was more important to discuss the need to remove barriers with processing of development projects with Green Building elements or energy efficiency structures.

Staff recommends that the Energy Efficiency Standards Ordinance not be adopted as a voluntary program. First, staff feels the Energy Ordinance requirements are relatively attainable, so providing for expedited plan check would not be very meaningful as most projects would be able to meet the requirements for qualifying for that incentive.

Also, for the past several years the City has supported the Santa Barbara Built Green Program, which is a voluntary program that promotes green building and energy efficiency projects. Projects meeting a Two Star rating or higher are placed at the top of the plan check review list as an incentive. Staff feels this more comprehensive and

voluntary program is a better standard tool to keep applying to encourage green building techniques.

For non-City incentives, it is important to note that any project that is 15 percent more energy efficient than the current 2010 California Energy Code may qualify for rebates as offered by the California Edison Company and the California Gas Company.

Staff feels that the two options available to the Ordinance Committee and ultimately the City Council are either to adopt the Energy Ordinance as a requirement for new construction and most additions as originally proposed, or maintain the current voluntary Built Green Santa Barbara voluntary program and not adopt an additional voluntary Energy Ordinance.

ATTACHMENT: Draft Energy Efficiency Standards Ordinance from January 25, 2011

PREPARED BY: George A. Estrella, Chief Building Official

SUBMITTED BY: Paul Casey, Assistant City Administrator

APPROVED BY: City Administrator's Office

ORDINANCE COMMITTEE DISCUSSION DRAFT 5/17/11
AS INTRODUCED AT CITY COUNCIL ON 1/25/11

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CITY OF SANTA BARBARA REPEALING CHAPTER 22.82
OF THE SANTA BARBARA MUNICIPAL CODE AND
ADOPTING A NEW CHAPTER 22.82 ESTABLISHING LOCAL
“ENERGY EFFICIENCY STANDARDS” FOR CERTAIN
BUILDINGS AND IMPROVEMENTS COVERED BY THE
2010 CALIFORNIA ENERGY CODE.

The City Council of the City of Santa Barbara does ordain as follows:

SECTION 1. Findings.

1. Reduction of total and peak energy use as a result of incremental energy conservation measures required by this ordinance will have local and regional benefits in the cost-effective reduction of energy costs for the building owner, additional available system energy capacity, and a reduction in greenhouse gas emissions.

2. The proposed ordinance preserves and enhances the environment; in that it would set forth increased minimum energy efficiency standards within the City of Santa Barbara for buildings and improvements covered by the ordinance. In accordance with CEQA Section 15061(b)(3), “[C]EQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” Staff has determined that the proposed ordinance is exempt from CEQA review.

3. In order to maintain and advance the energy efficiency standards, it is in the best interest of the City to revisit this ordinance prior to expiration, ensuring that local energy standards meet the goals of reducing energy consumption, thereby saving on energy bills and decreasing greenhouse gas emissions.

4. The City has reviewed a study of the cost-effectiveness of the energy efficiency measures contained in this ordinance for the Climate Zones within the City’s jurisdiction. This study has concluded that the energy efficiency measures contained in this ordinance are cost-effective. The City Council hereby adopts the conclusions of this study and authorizes its inclusion in an application for consideration by the California Energy Commission in compliance with Public Resources Code 25402.1(h)(2).

SECTION 2. Chapter 22.82 of the Santa Barbara Municipal Code, titled “Energy Efficiency Standards” is deleted in its entirety and readopted to read as follows:

22.82.010 Purpose.

This Chapter (“Energy Efficiency Standards”) sets forth increased minimum energy efficiency standards within the City of Santa Barbara for all new construction of any size, additions to existing buildings or structures over a certain size threshold, and the installation of new circulation pumps for swimming pools, spas and water features. This Chapter is intended to supplement the 2010 California Energy Code and the 2008 California Building Energy Efficiency Standards, as specified in California Code of Regulations, Title 24, Parts 1 and 6 (Standards). Compliance with the 2010 California Energy Code is required even if the increased minimum energy efficiency standards specified in this Chapter do not apply.

22.82.020 Definitions.

For purposes of this Chapter 22.82, words or phrases used in this Chapter that are specifically defined in Parts 1, 2, 2.5, or 6 of Title 24 of the California Code of Regulations shall have the same meaning as given in the Code of Regulations. In addition, the following words and phrases shall have the meanings indicated, unless context or usage clearly requires a different meaning:

A. **2008 BUILDING ENERGY EFFICIENCY STANDARDS.** The standards and regulations adopted by the California Energy Commission contained in Parts 1 and 6 of Title 24 of the California Code of Regulations as such standards and regulations may be amended from time to time.

B. **EXISTING + ADDITION + ALTERATION.** An approach to modeling the TDV (time dependent valuation) energy use of an addition including the existing building and alterations as specified in the Residential Compliance Manual and Nonresidential Compliance Manual.

C. **NONRESIDENTIAL COMPLIANCE MANUAL.** The manual developed by the California Energy Commission, under Section 25402.1(e) of the Public Resources Code, to aid designers, builders, and contractors in meeting the requirements of the state’s 2008 Building Energy Efficiency Standards for nonresidential, high-rise residential, and hotel/motel buildings.

D. **RESIDENTIAL COMPLIANCE MANUAL.** The manual developed by the California Energy Commission, under Section 25402.1(e) of the Public Resources Code, to aid designers, builders, and contractors in meeting the requirements of the state’s 2008 Building Energy Efficiency Standards for low-rise residential buildings.

E. **SWIMMING POOL.** Any structure intended for swimming and able to contain water over 18 inches deep.

F. **TIME DEPENDENT VALUATION ENERGY or (“TDV ENERGY”).** The time varying energy caused to be used by the building or addition to provide space conditioning and water heating and, for specified buildings, lighting. TDV energy accounts for the energy used at the building site and consumed in producing and in delivering energy to a site, including, but not limited to, power generation, transmission and distribution losses. TDV Energy is expressed in terms of thousands of British thermal units per square foot per year (kBtu/sq.ft.-yr).

G. **WATER FEATURE.** Any structure intended to contain water over 18 inches deep. Examples of water features include, but are not limited to, ponds and fountains.

22.82.030 Applicability.

A. The provisions of this Chapter apply to any of the following buildings or improvements for which a building permit is required by this Code:

1. All new conditioned buildings or structures of any size,
2. Any addition to an existing low-rise residential building or structure where the addition is greater than 500 square feet of conditioned floor area,
3. Any addition to an existing nonresidential, high-rise residential or hotel/motel building or structure where the addition is greater than 500 square feet of conditioned floor area,
4. All new-circulation pumps for swimming pools, spas, and water features.

B. Exception. Nonresidential remodels or alterations are exempt from the requirements of this Chapter, regardless of the square footage of the remodel or alteration, unless they involve all three of the following building components: i. the HVAC system, ii. the building envelope components (exterior walls, roofs, floors, windows, skylights, etc.), and iii. the lighting system.

C. Subject to the limitations specified in this Section 22.82.030, the coverage of this Chapter shall be determined in accordance with the scope and application section of either the 2008 Residential Compliance Manual or 2008 Nonresidential Compliance Manual, as appropriate for the proposed occupancy.

22.82.040 Compliance.

A building permit subject to the requirements of this Chapter will not be issued by the Building Official unless the energy compliance documentation and plans submitted with the permit application comply with the requirements of this Chapter. A final inspection for a building permit subject to the requirements of this Chapter will not be approved unless the work authorized by the building permit has been constructed in accordance with the approved plans, conditions of approvals, and requirements of this Chapter.

22.82.050 Mandatory Energy Efficiency Requirements.

In addition to meeting all minimum requirements of the 2010 California Energy Code, all applications for building permits that include buildings or improvements covered by this Chapter, shall include the following mandatory energy efficiency measures as may be applicable to the proposed building or improvement:

A. **RESIDENTIAL BUILDINGS.** Unless preempted by the National Appliance Energy Conservation Act (NAECA), any appliance to be installed in a residential building shall be Energy Star rated, if the appliance installed is of a type that has been Energy Star rated.

B. **SWIMMING POOL AND SPA PUMPS.** Any circulation pump to be installed for any swimming pool, spa, or water feature shall incorporate the following energy conservation features: all circulating pump motors and filtration pump motors with a nominal rating of 0.75 horsepower or greater (except pump motors only serving spa jets) shall be two-speed or variable speed motors. The installation of all two-speed and variable speed motors shall include the installation of a controller which shall be time-based and shall be programmed to alternate the speed of the motor between low and high to make effective use of the energy savings potential of the unit's multi-speed capability.

22.82.060 General Compliance Requirements.

In addition to any applicable mandatory requirements specified in Section 22.82.050 and the minimum requirements of the 2010 California Energy Code, the following general compliance requirements shall apply to permit applications subject to this Chapter:

A. **LOW-RISE RESIDENTIAL BUILDINGS.** Applications for building permits that involve new low-rise residential buildings or additions to existing low-rise residential buildings where the additions are greater than 500 square feet of conditioned floor area:

1. **New Low-Rise Residential Buildings.** When an application for a building permit involves a new low-rise residential building, the performance approach specified in Section 151 of the 2008 Building Energy Efficiency Standards must be used to demonstrate that the TDV Energy of the proposed building is at least 15.0% less than the TDV Energy of the standard building.

2. **Additions to Low-Rise Residential Buildings.** When an application for a building permit involves an addition of more than 500 square feet of conditioned floor area to an existing low-rise residential building, compliance may be met by either of the following methods:

a. Using the performance approach specified in Section 151 of the 2008 Building Energy Efficiency Standards to demonstrate that the TDV Energy of the proposed addition is at least 15.0% less than the TDV Energy of the standard design; or,

b. Using the “Existing +Addition +Alteration” calculation methodology to demonstrate that the TDV Energy of the proposed building is at least 15.0% less than the TDV Energy of the standard design, as calculated in accordance with the performance

approach specified in Section 151 of the 2008 Building Energy Efficiency Standards. In modeling buildings under the Existing +Addition +Alteration method, domestic hot water energy use must be included in the calculation model unless the application does not involve a change to the building's existing water heater(s).

B. HIGH-RISE RESIDENTIAL BUILDINGS & HOTEL/MOTELS.

Applications for building permits that involve new high-rise residential buildings, new hotel/motels, or additions to these occupancies, where the additions are greater than 500 square feet of conditioned floor area, shall demonstrate compliance with the general compliance requirements as follows:

1. **New High-Rise Residential Buildings and Hotel/Motels.** When an application for a building permit involves a new high-rise residential building or new hotel/motel, the applicant shall use the Performance Approach to model the building using a state-approved energy compliance software program and demonstrate that the TDV Energy of the proposed building is at least 10.0% less than the TDV Energy of the standard building. In calculating the %-better-than-Title-24 in High-rise Residential or hotel/motel projects, the TDV energy of the Process, Receptacle energy use components, and also Lighting energy use in the residential spaces, is omitted in both the proposed and standard designs.

2. **Additions to High-Rise Residential Buildings and Hotel/Motels.** When an application for a building permit involves an addition of more than 500 square feet of conditioned floor area to an existing high-rise residential building or an existing hotel/motel occupancy, this general compliance requirement may be met by either of the following methods:

a. Using the "Addition Alone" performance method, calculated in the manner specified in Section 22.82.060.B.1 above, to demonstrate that the TDV Energy sum of the energy components for the proposed addition is at least 10.0% less than the TDV Energy sum of the same energy components of the standard addition; or,

b. Using the "Existing +Addition +Alteration" performance method, calculated in the manner specified in Section 22.82.060.B.1 above, to demonstrate that the TDV Energy for the sum of the energy components for the proposed building is at least 10.0% less than the TDV Energy for the sum of the same energy components of the standard design.

C. NONRESIDENTIAL OCCUPANCIES. Applications for building permits that involve new nonresidential occupancies or additions to existing nonresidential occupancies, where the additions are greater than 500 square feet of conditioned floor area, shall demonstrate compliance with the general compliance requirements as follows:

1. **New Nonresidential Buildings.** When a project involves a new nonresidential building, compliance may be demonstrated by using either the prescriptive approach or the performance approach as specified below:

a. **Prescriptive Approach.** Subject to the exceptions listed below and the provisions of the 2008 Building Energy Efficiency Standards, the prescriptive approach requires compliance with the prescriptive envelope requirement and/or the prescriptive indoor lighting requirement, depending upon the work proposed in the permit application, as specified below:

(1) **Prescriptive Envelopment Requirement.** The Overall Envelope TDV Energy Approach in Section 143(b) of the 2008 Building Energy Efficiency Standards shall be used to demonstrate that the Overall TDV energy of the proposed building is at least 10.0% less than the Overall TDV energy of the standard building; and/or,

(2) **Prescriptive Indoor Lighting Requirement.** The “Prescriptive Requirements for Indoor Lighting” contained in Section 146 of the 2008 Building Energy Efficiency Standards that apply to conditioned spaces shall be used to demonstrate that the Adjusted Actual (Installed) Watts are at least 10.0% less than the Total Allowed Watts.

(i) **Exception:** When using the Tailored Method to determine compliance with the Prescriptive Requirements for Indoor Lighting, display and decorative lighting watts may be omitted from the above calculation.

b. **Performance Approach.** The applicant shall model the building using a state-approved energy compliance software program and demonstrate that the TDV Energy of the proposed building is at least 10.0% less than the TDV Energy of the standard building. In calculating the %-better-than-Title-24, the TDV energy of the Process and Receptacle energy use components is omitted in both the proposed and standard designs.

2. **Additions to Existing Nonresidential Buildings.** When an application for a building permit involves an addition of more than 500 square feet of conditioned floor area to an existing nonresidential building, the general compliance requirement may be met by either of the following methods:

a. Using the “Addition Alone” performance method, calculated in the manner specified in Section 22.82.060.C.1.b above, to demonstrate that the TDV Energy sum of the energy components for the proposed addition is at least 10.0% less than the TDV Energy sum of the same energy components of the standard addition; or,

b. Using the “Existing +Addition +Alteration” performance method, calculated in the manner specified in Section 22.82.060.C.1.b above, to demonstrate that the TDV Energy of the sum of the energy components for the proposed building is at least 10.0% less than the TDV Energy of the sum of the same energy components of the standard design.

D. **DOCUMENTATION.** In order to demonstrate compliance with the requirements of this Section, a permit applicant may be required to submit supplementary forms and documentation in addition to the building drawings, specifications, and standard Title 24 report forms, as deemed appropriate by the Building Official.

22.82. 070 Expiration.

This Chapter 22.82 shall expire upon the expiration date of the 2010 California Energy Code or the 2008 California Building Energy Efficiency Standards, whichever occurs first.



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

SPECIAL MEETING April 21, 2011 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 1:32 p.m.

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House (1:33 p.m.), Randy Rowse, Michael Self, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Brenda Alcazar.

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, April 14, 2011, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

Subject: Recommended Two-Year Financial Plan For Fiscal Years 2012 And 2013 (230.05)

Recommendation: That Council hear presentations from several General Fund departments on their recommended budgets as contained in the Recommended Two-Year Financial Plan for Fiscal Years 2012 and 2013.

Documents:

- April 21, 2011, report from the Finance Director.
- April 21, 2011, PowerPoint presentations prepared and made by Staff.
- Affidavit of Publication.

Public Comment Opened:

1:33 p.m.

Speakers:

City Administrator James Armstrong, Finance Director Robert Samario, Accounting Manager Rudolf Livingston, City Attorney Stephen Wiley.

Discussion:

Finance Director Robert Samario briefly reviewed the format of the Recommended Two-Year Financial Plan for Fiscal Years 2012 and 2013. He then provided an overview of the Finance Department's functions and presented its proposed budget for Fiscal Year 2012. The Councilmembers provided feedback and Staff responded to their questions.

Motion:

Councilmembers House/Rowse to fund the 4th of July parade in the amount of \$5,000 for Fiscal Year 2012.

Vote:

Unanimous voice vote.

Speakers (Cont'd):

Staff: Assistant City Administrator/Administrative Services Director Marcelo Lopez, Human Resources Manager Barbara Barker, City Clerk Services Manager Cynthia Rodriguez, Information Systems Manager Tom Doolittle, City Attorney Stephen Wiley, Assistant to the City Administrator Nina Johnson.

(Cont'd)

Recommended Two-Year Financial Plan For Fiscal Years 2012 And 2013 (Cont'd)

Discussion (Cont'd):

Assistant City Administrator/Administrative Services Director Marcelo Lopez provided an overview of the Administrative Services Department. Staff presented the Department's recommended budget for Fiscal Year 2012. City Attorney Stephen Wiley reviewed the City Attorney's organizational chart. He then presented the Department's proposed budget for Fiscal Year 2012 and spoke about its mission statement. Assistant to the City Administrator Nina Johnson presented the Fiscal Year 2012 proposed budgets for the City Administrator's Office and the Mayor and Council's Office. The Councilmembers made comments and Staff answered their questions.

By consensus, the Council continued the public hearing to May 2, 2011, at 1:30 p.m.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 3:55 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

_____	ATTEST: _____
HELENE SCHNEIDER	BRENDA ALCAZAR, CMC
MAYOR	DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

SPECIAL MEETING May 2, 2011 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 1:30 p.m.

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Randy Rowse, Michael Self, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, April 28, 2011, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

1. Subject: Proposed Two-Year Financial Plan For Fiscal Years 2012 And 2013 (230.05)

Recommendation: That Council hear presentations from the Community Development and Library departments on their recommended budgets as contained in the Proposed Two-Year Financial Plan for Fiscal Years 2012 and 2013.

Documents:

- May 2, 2011, report from the Finance Director.
- PowerPoint presentations prepared and made by Community Development and Library Departments Staff.

Public Comment Opened:

1:31 p.m.

Speakers:

- Staff: Assistant City Administrator/Community Development Director Paul Casey, Housing and Redevelopment Manager Brian Bosse, Administrative Services Manager Sue Gray, City Administrator James Armstrong, City Planner Bettie Weiss, City Attorney Stephen Wiley.
- Rental Housing Mediation Task Force: Members Robert Burke, Lynn Goebel, Barbara Smith-Sherrill and Silvio DiLoreto.
- Members of the Public: ; Mark Alvarado, PUEBLO; Toni Schultheis, League of Women Voters of Santa Barbara; Kyle Tahn; Emily Allen; Ellen Goodstein, Legal Aid Foundation; Hilary Kleger, Santa Barbara Rental Housing Roundtable; Patricia Flores; Sharon Rose.

Discussion:

Community Development Department Staff described programs administered by the Department's Planning, Building & Safety and Administration divisions, the strategy to close a budget shortfall and the impacts of that strategy, and the status of development activity within the City and of the Plan Santa Barbara General Plan Update. The Housing and Redevelopment Division of the Department presented information related to its budget and programs, including the proposed elimination by the State of California of all redevelopment agencies as part of its next budget, the status of the Santa Barbara Redevelopment Agency's Capital Program and of funding for affordable housing, and the proposed discontinuation of the Housing Rehabilitation Loan Program and the Rental Housing Mediation Task Force Program.

(Cont'd)

1. (Cont'd)

Recess: 3:40 p.m. – 3:45 p.m. Councilmember Hotchkiss returned to the meeting at 3:51 p.m.

Speakers (Cont'd):

- Staff: Library Director Irene Macias, Library Services Manager Roger Hiles, Library Services Manager Scott Love.

Discussion:

Library Director Irene Macias presented overviews of library services, funding reductions being proposed by the state and county governments, and service level changes made during Fiscal Years 2009-2011 and to be made during Fiscal Year 2012. Library Services Manager Roger Hiles discussed in detail the library programs funded by the City's General Fund (for the Central and Eastside branches), and Library Services Manager Scott Love did the same for services and projects funded by the County Library Fund (for the Goleta Library and small branches). Councilmembers' questions were answered.

By consensus, the public hearing was continued to May 5, 2011, at 10:00 a.m.

RECESS

Mayor Schneider recessed the meeting at 4:25 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 2 and 3, and she stated that no reportable action is anticipated.

CLOSED SESSIONS

2. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with General, Treatment and Patrol, and Supervisory bargaining units, and regarding discussions with unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

(Continued from April 26, 2011, Item No. 9)

Documents:

April 26, 2011, report from the Assistant City Administrator/Administrative Services Director.

(Cont'd)

2. (Cont'd)

Time:

4:30 p.m. - 4:38 p.m. Councilmember Self was absent.

No report made.

3. Subject: Conference With Real Property Negotiators - 319 W. Haley Street (330.03)

Recommendation: That Council hold a closed session pursuant to the authority of Government Code Section 54956.8 in order to provide direction to the City Administrator and to the City Attorney regarding the possible City disposition of the real property known as 319 W. Haley Street. Property: 319 W. Haley Street. City Negotiator: City Transportation Planning Manager and the City Attorney's office. Negotiating Party: Santa Barbara County Association of Governments. Under Negotiation: Price, terms of payment, possible exchange terms.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

(Continued from April 26, 2011, Item No. 10)

Documents:

April 26, 2011, report from the City Attorney.

Time:

4:40 p.m. - 4:43 p.m. Councilmember Self was absent.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 4:43 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

_____ ATTEST: _____	
HELENE SCHNEIDER MAYOR	SUSAN TSCHECH, CMC DEPUTY CITY CLERK



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 17, 2011

TO: Mayor and Councilmembers

FROM: Environmental Services, Finance Department

SUBJECT: Amendment Of Countywide Siting Element

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adding the Proposed Los Flores Ranch Integrated Waste Management Facility to the Countywide Siting Element, a Regional Solid Waste Planning Document, as Prescribed by the California Public Resources Code.

EXECUTIVE SUMMARY:

The City of Santa Maria is in the process of siting a new integrated waste management facility at Los Flores Ranch. This landfill and diversion facility would replace the Santa Maria Regional Landfill following its closure, estimated to occur in 2015.

The Countywide Siting Element is a regional solid waste planning document required by the Integrated Waste Management Act. Pursuant to the Act, a disposal facility must be described in the Siting Element before the California Department of Resources Recycling and Recovery (CalRecycle) can approve an operating permit for the site. For this reason, the City of Santa Maria has requested that the Countywide Siting Element be amended to include the Los Flores Ranch Integrated Waste Management Facility (IWMF). Before the City of Santa Maria can obtain an operating permit for the disposal facility, a majority of jurisdictions within the County must approve the amendment to the Siting Element.

DISCUSSION:

The existing Santa Maria Regional Landfill will reach capacity and will cease accepting waste in 2015. State law requires that each waste shed maintain at least 15 years of solid waste disposal capacity at all times. In 2001, elected officials from the County and each of the cities located within the County formed a Multi-Jurisdictional Solid Waste Task Group (MJSWTG). The purpose of the Task Group is to cooperatively plan for the solid waste management needs of the region. In 2003, the MJSWTG issued a recommendation that a

new landfill should be sited in Northern Santa Barbara County prior to the closure of the existing Santa Maria Regional Landfill.

In response to this recommendation, the City of Santa Maria began to search for a suitable replacement site in northern Santa Barbara County. In 2005, a Landfill Siting Study was commissioned to evaluate three sites, and Los Flores Ranch was selected as the preferred site. The City of Santa Maria presented details of Los Flores Ranch to the MJSWTG in December of 2005. The City of Santa Maria Council approved the purchase of the site on January 17, 2006.

Los Flores Integrated Waste Management Facility

Los Flores Ranch is located approximately eight miles southeast of the Santa Maria City center in an unincorporated portion of the Solomon Hills (Attachment). The property totals 1,774 acres. The proposed facility would include a landfill, a recycling drop-off area and a composting operation. The Los Flores IWMF would serve the disposal needs of jurisdictions located in the Santa Maria waste shed, including the Cities of Orcutt, Santa Maria and the surrounding unincorporated county area.

The proposed landfill would be a canyon fill and would be developed in phases over its estimated 90-year lifespan. The City of Santa Maria anticipates that the facility will be operational in 2015. While the total project area would encompass 617 acres, the refuse footprint would only total 286 acres of which only 80 acres would be active at any one time.

Solid waste collection vehicles would deliver material loads directly to the facility via an existing interchange on Hwy 101, and would approach the scale house from a proposed entrance road. All other non-collection vehicles, such as self-haul traffic, would use a transfer facility to be located at the existing Santa Maria Regional Landfill. These individual loads would be consolidated in transfer vehicles and delivered to Los Flores IWMF in order to reduce traffic trips along local roads. Recycling and Household Hazardous Waste services would continue to be provided at the existing Santa Maria Landfill.

Since the waste disposal activities take place in a relatively small portion of the site, the existing Los Flores Park would continue to be open to the public during construction and operation of the IWMF. The Park features a variety of outdoor recreation opportunities.

Environmental Setting

A Geotechnical Investigation Report has been completed on the proposed landfill. The Report finds that deep ground water and impermeable stable underlying soil formations are well suited to the IWMF. Monitoring wells have also been installed to monitor water quality.

An Environmental Impact Report (EIR) for the development and operation of the IWMF was completed in March of 2010 and was certified in April of 2011. The EIR evaluated the potential impacts of the project on aesthetics, air quality, biological resources and cultural resources, environmental justice, geology, hazardous materials, hydrology and water quality, land use, noise, public services and utilities and traffic and circulation.

Amendment of the Countywide Siting Element

The Countywide Siting Element is a regional solid waste planning document required by the Integrated Waste Management Act. Pursuant to the Act, a disposal facility must be described in the Siting Element before the California Department of Resources Recycling and Recovery (CalRecycle) can approve an operating permit for the site. For this reason, the City of Santa Maria has requested that the Countywide Siting Element be amended to include the Los Flores Ranch IWMF.

An amendment to the Countywide Siting Element involves several steps. First, the proposed changes must be reviewed by the Santa Barbara County Solid Waste Local Task Force (LTF). The LTF is required by State Law to meet periodically to complete various tasks prescribed by the Integrated Waste Management Act. The LTF, which is comprised of staff from the County of Santa Barbara and all of the cities located within the County, reviewed the proposed changes to the Siting Element at two separate meetings held in the City of Solvang on September 9 and September 23, 2010, respectively. Next, the proposed amendment must be approved by the elected bodies of the County of Santa Barbara and a majority of the cities, by population, located within the County.

It should be noted that an affirmative vote by Council to amend the Siting Element does not approve the construction or operation of the proposed IWMF. Rather, it would allow the City of Santa Maria to apply for a solid waste facilities permit from CalRecycle. The City of Santa Maria would also be required to obtain permits from several other regulatory agencies including the Santa Barbara County Air Pollution Control District and the Regional Water Quality Control Board before construction on the facility could begin.

Trash generated within the City of Santa Barbara is currently disposed at Tajiguas Landfill. The Los Flores IWMF would primarily serve the North County waste shed. For this reason, staff believes that construction of the Facility would have no impact on the City in the near-term. In the long-term, staff believes that the existence of a second disposal facility and additional recycling capacity could serve as a back-up following the closure of Tajiguas Landfill. It is anticipated that the Tajiguas Landfill will reach its permitted disposal capacity in 2023 at the current rate of disposal.

To deny the proposed amendment to the Countywide Siting Element, Council would have to find that the proposed project would result in one or more significant adverse impacts within the boundaries of the City of Santa Barbara.

SUSTAINABILITY IMPACT:

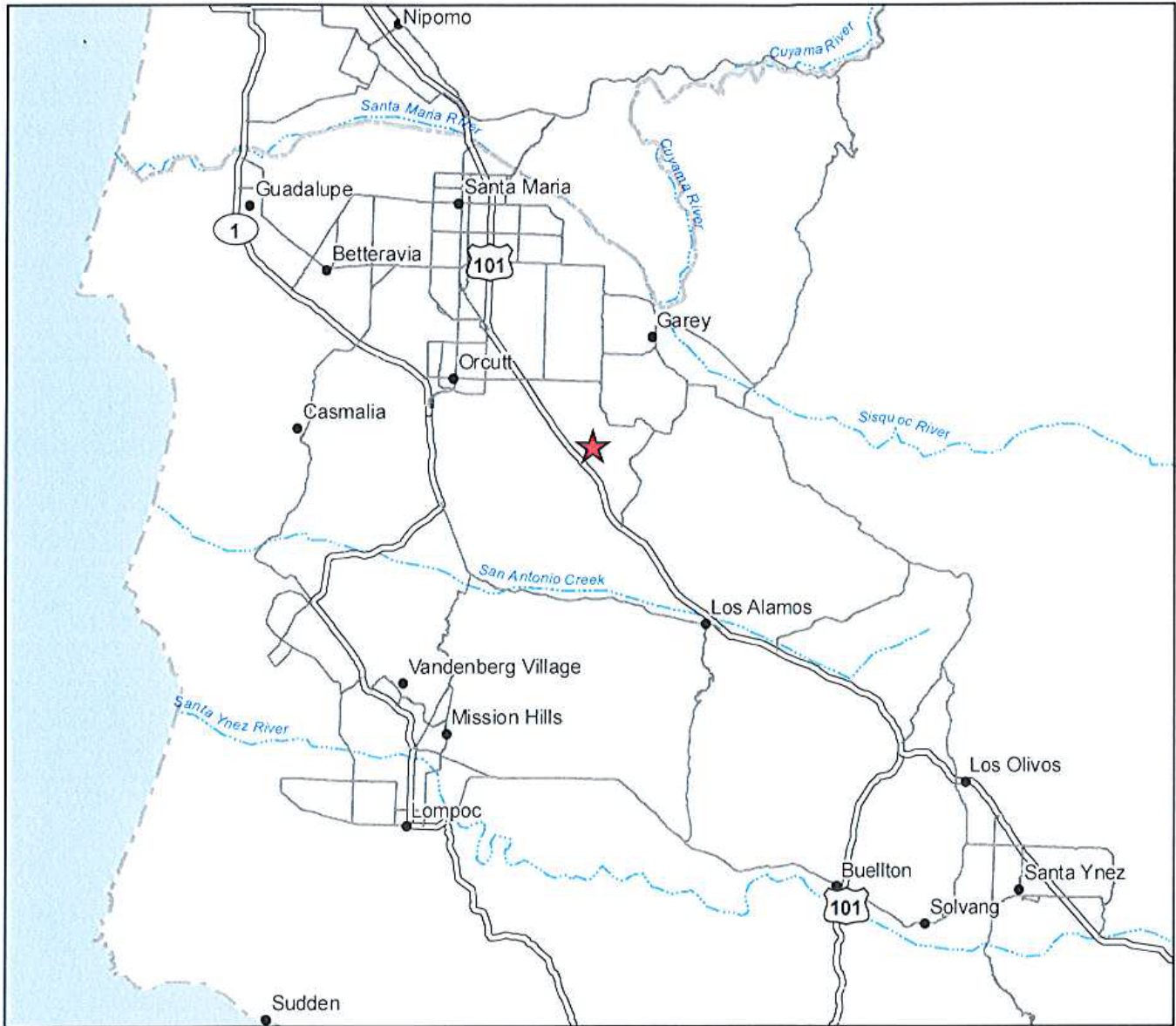
The Los Flores IWMF may provide additional disposal and recyclables processing capacity for the entire County, but is not anticipated to have a material impact on the City in the near-term.

ATTACHMENT: Regional Location Map

PREPARED BY: Matt Fore, Environmental Services Manager

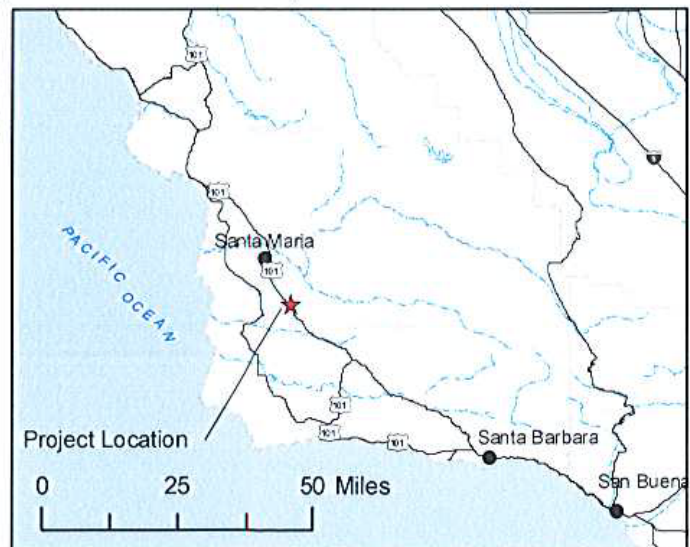
SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office



0 2.5 5 7.5 10 Miles

★ Project Location



Sources: U.S. Bureau of the Census Tiger 2000 data and ESRI, 2004.

RESOLUTION NO. ____

A RESOLUTION OF THE COUNCIL OF THE CITY
OF SANTA BARBARA ADDING THE PROPOSED
LOS FLORES RANCH INTEGRATED WASTE
MANAGEMENT FACILITY TO THE COUNTYWIDE
SITING ELEMENT, A REGIONAL SOLID WASTE
PLANNING DOCUMENT, AS PRESCRIBED BY
THE CALIFORNIA PUBLIC RESOURCES CODE

WHEREAS, the governor of the State of California has signed into law the California Integrated Waste Management Act of 1989 (AB 939) which calls for jurisdictions in the State of California to divert from land disposal 25 percent of the solid waste stream by 1995 and 50 percent of the solid waste stream by the year 2000;

WHEREAS, AB 939 requires each County to prepare a Countywide Siting Element which shall contain a description and identification of areas, numbers, and types of existing, and new or expanded solid waste disposal and transformation facilities which will be used to meet a minimum of fifteen (15) years of combined permitted disposal capacity within the County;

WHEREAS, the California Integrated Waste Management Board adopted regulations in the California Code of Regulations, Title 14, Division 7, Chapter 9, Article 6.5, Sections 18755 through 18756.7 for the Countywide Siting Element, which were approved by the Office of Administrative Law on July 22, 1994;

WHEREAS, additional procedural regulations for preparing and revising the Countywide Siting Element are described in the California Code of Regulations, Title 14, Division 7, Chapter 9, Article 8.0, Sections 18766 through 18788;

WHEREAS, the Countywide Siting Element for Santa Barbara County was approved by the California Integrated Waste Management board on October 21, 1998;

WHEREAS, Public Resource Code Section 41721.5 (a) states that "Any amendments to the countywide siting element shall be approved by the county and by a majority of the cities within the county...";

WHEREAS, the City of Santa Maria has worked jointly with the incorporated cities in the County of Santa Barbara, with the County of Santa Barbara itself, and with the members of the Local Solid Waste Task Force, and has in good faith prepared an Addendum to the original Countywide Siting Element to incorporate the development by the City of Santa Maria of a new landfill referred to as the Los Flores Ranch Integrated Waste Management Facility; and

WHEREAS, the Addendum to the Countywide Siting Element has been reviewed by each jurisdiction, and the site identification and description has been approved.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT the City Council of the City of Santa Barbara hereby approves and adopts the Countywide Siting Element Addendum, which amends the Countywide Siting Element to reflect the status of existing and proposed solid waste disposal and transformation facilities located within the County of Santa Barbara.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 17, 2011

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Acceptance Of Street Easements For Sidewalk Improvements

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting Street Easements for the Installation and Use of Public Sidewalk Access Ramps and Related Improvements on Portions of the Real Properties Commonly Known as 1131 Coast Village Road, 30 West Calle Laureles, and 628 West Mission Street, Authorizing City Public Works Director to Execute Same, and Consenting to the Recordation by City Clerk of Said Street Easement Deeds in the Official Records, County of Santa Barbara.

DISCUSSION:

Street easements on the properties located at 1131 Coast Village Road, 30 West Calle Laureles, and 628 West Mission Street, have been requested by the City, and granted by the respective owners, for the installation of sidewalk access ramps and related sidewalk improvements. The sidewalk improvements are part of the ongoing Streets Improvement Program to comply with the current Americans with Disabilities Act (ADA) standards and requirements.

At 1131 Coast Village Road (Attachment 1), two easements are necessary to document and record the areas where the existing sidewalk has overlapped private property. The areas are needed for two proposed sidewalk access ramps that will be used for pedestrian travel along Coast Village Road. This project is the final link in creating an ADA accessible pedestrian corridor along Coast Village Road, from Butterfly Lane to Olive Mill Road.

At 30 West Calle Laureles (Attachment 2 and 3), one easement is necessary to document and record the areas where the existing sidewalk has overlapped private property. The area is needed for the proposed sidewalk access ramp at this location. The proposed configuration of this access ramp decreases the crossing distance of the crosswalk from 91 feet to 79 feet. In addition, the proposed configuration will not affect

the traffic movements for vehicles turning onto De la Vina Street from Calle Laureles. Also, this alignment decreases the square footage of the necessary easement, while still maintaining an ADA compliant ramp.

At 628 West Mission Street (Attachment 4), one easement is necessary to document and record the area where the existing sidewalk has overlapped private property. The area is needed to install the proposed ADA compliant sidewalk access ramp.

The property owners have been cooperative in correcting the existing minor inaccuracies due to sidewalk installations done in past years. The access ramps and other upgrades are beneficial improvements for both pedestrians and the property owners. Formal recognition and recordation of the easements will also relieve property owners of potential liabilities associated with the public sidewalks.

The easements have been granted to accommodate these improvements and existing sidewalk without monetary consideration.

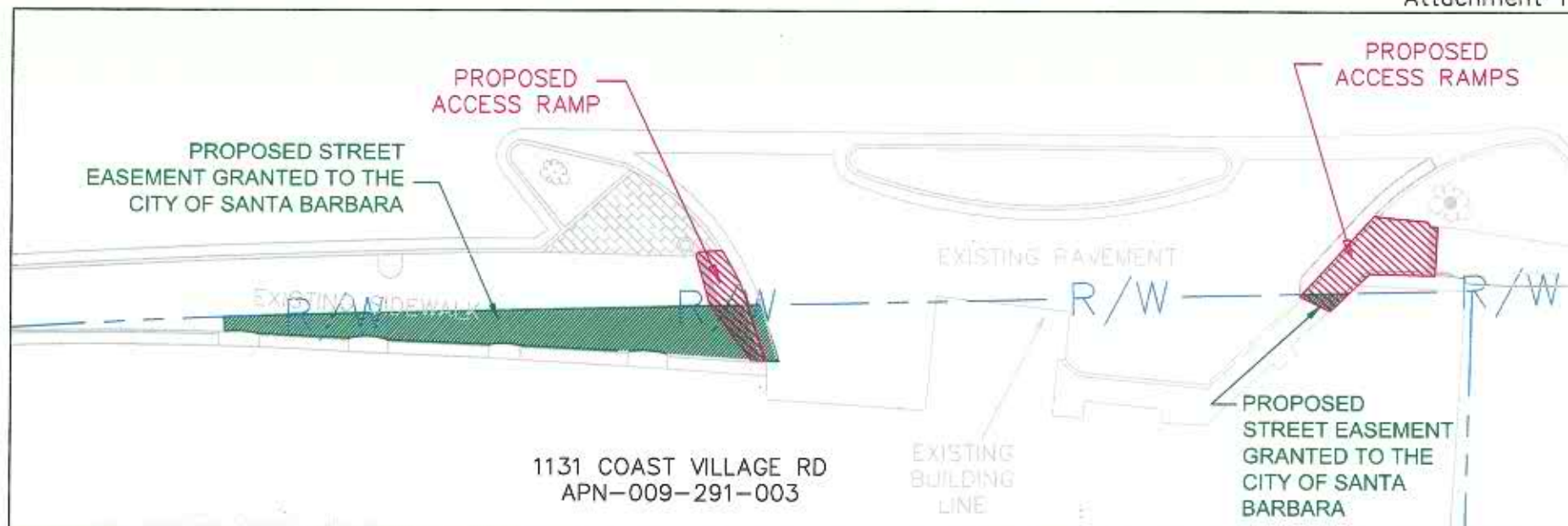
ATTACHMENTS:

1. Map of proposed easement for Coast Village Road
2. Map of proposed easement for West Calle Laureles
3. Map of proposed improvements for Calle Laureles
4. Map of proposed easement for West Mission Street

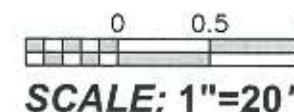
PREPARED BY: Pat Kelly, Assistant Public Works Director, City Engineer/DT/mj

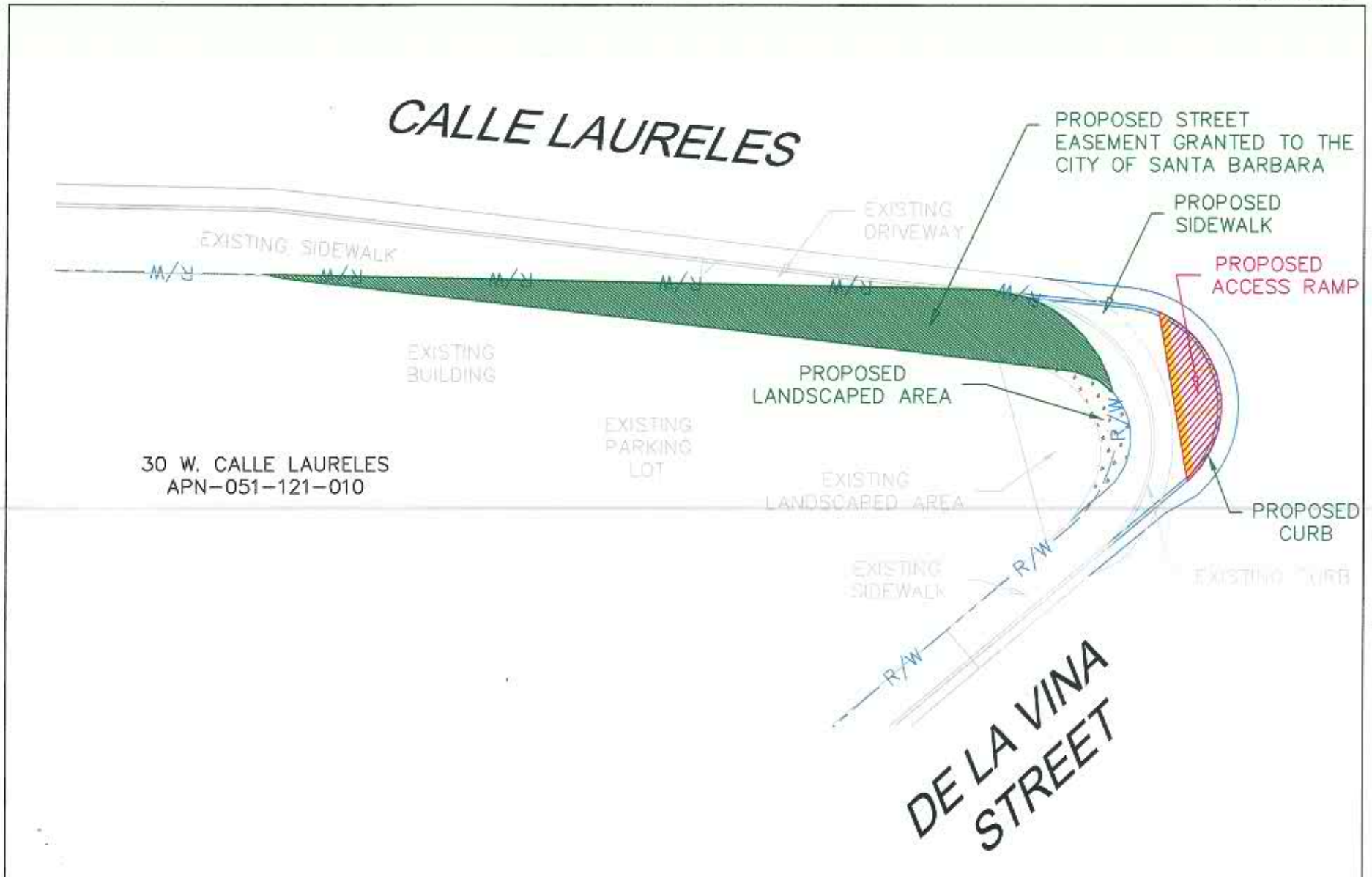
SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

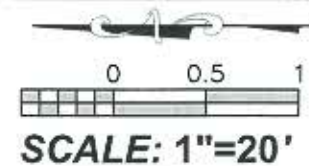


PROPOSED EASEMENT FOR CITY OF SANTA BARBARA FY 2011 SIDEWALK ACCESS RAMP PROJECT





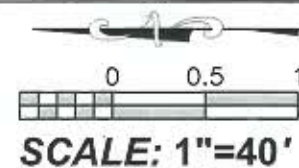
PROPOSED EASEMENT
FOR CITY OF SANTA BARBARA
FY 2011 SIDEWALK ACCESS RAMP PROJECT





PROPOSED EASEMENT

FOR CITY OF SANTA BARBARA
FY 2011 SIDEWALK ACCESS RAMP PROJECT



628 W. MISSION ST
APN-043-092-011

PROPOSED STREET
EASEMENT GRANTED
TO THE CITY OF
SANTA BARBARA

EX.
WALL

EXISTING
SIDEWALK

MISSION STREET

EXISTING
SIDEWALK

PROPOSED
ACCESS RAMP

MODOC ROAD

PROPOSED EASEMENT
FOR CITY OF SANTA BARBARA
FY 2011 SIDEWALK ACCESS RAMP PROJECT



SCALE: 1"=5'

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ACCEPTING STREET EASEMENTS FOR THE INSTALLATION AND USE OF PUBLIC SIDEWALK ACCESS RAMPS AND RELATED IMPROVEMENTS ON PORTIONS OF THE REAL PROPERTIES COMMONLY KNOWN AS 1131 COAST VILLAGE ROAD, 30 WEST CALLE LAURELES, AND 628 WEST MISSION STREET, AUTHORIZING CITY PUBLIC WORKS DIRECTOR TO EXECUTE SAME, AND CONSENTING TO THE RECORDATION BY CITY CLERK OF SAID STREET EASEMENT DEEDS IN THE OFFICIAL RECORDS, COUNTY OF SANTA BARBARA.

WHEREAS, the City has established the Streets Capital Program for Street Resurface and Sidewalk Access Ramps utilizing Measure D funding;

WHEREAS, it is the City's desire to install access ramps and related improvements at the public sidewalk locations known as 1131 Coast Village Road, 30 West Calle Laureles, and 628 West Mission Street;

WHEREAS, the real properties identified have areas of existing public sidewalk installed on portions of said properties and replacement upgrades to these areas of sidewalk will continue to occupy said portions of real property;

WHEREAS, it is necessary to acquire easements to accommodate existing and proposed new sidewalk improvements on the aforementioned private properties, and such permanent easement grants are being offered by Easement Deeds from the aforementioned affected property owners at no cost to the City;

WHEREAS, the written Easement Deeds have been reviewed and accepted by the affected owners, and the Easement Deeds have been signed voluntarily to allow follow-up proceedings by the City to acquire the street easements, subject to final approval by Council;

WHEREAS, this Resolution will provide authorization by the Council of the City of Santa Barbara for the Public Works Director to execute the Street Easement Deeds with the affected owner as aforementioned; and

WHEREAS, this Resolution will demonstrate intent by the Council of the City of Santa Barbara to accept the easements from the aforementioned affected real properties, as more particularly described in the proposed Street Easement Deeds executed and delivered for such purpose at this time, without further action or subsequent resolution to accept the Street Easements.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the Street Easement Deeds with the respective owners of the real properties as evidenced by the Street Easement Deeds legal vesting of title.

SECTION 2. The City of Santa Barbara hereby accepts the street easements on the affected real properties as aforementioned, and more particularly described in the Easement Deeds to the City of Santa Barbara, which have been executed and delivered hereunder.

SECTION 3. The City of Santa Barbara hereby consents to the recordation by City Clerk of said Easement Deeds in the Official Records, County of Santa Barbara.

SECTION 4. This Resolution shall become effective immediately upon its adoption.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 17, 2011

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction Of The Zone 6 Pavement Preparation Project

RECOMMENDATION: That Council:

- A. Award a contract with Granite Construction Company (Granite) in their low bid amount of \$1,390,743 for construction of the Zone 6 Pavement Preparation Project (Project), Bid No. 3624;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$111,260 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- C. Authorize the Public Works Director to execute a contract with Flowers and Associates (Flowers) in the amount of \$109,412 for construction support services, and approve expenditures of up to \$10,941 for extra services of Flowers that may result from necessary changes in the scope of work.

EXECUTIVE SUMMARY:

The Project is part of the annual Pavement Maintenance Program (Program), along with the Zone 6 Slurry Seal contract. The intent of the Program is to maintain the City's asphalt pavement roadway infrastructure using a structured, systematic approach. The City is divided into seven pavement maintenance zones and, in general, one zone is maintained each year. This year's zone, Zone 6, consists of the Primary Arterial streets which carry most of the traffic throughout the City.

DISCUSSION:

PROJECT DESCRIPTION

The work consists of repairing localized distress on various roads throughout the City, encompassing streets mainly in Zone 6 (Attachment).

In conjunction with this Project, parking lots maintained by the following Divisions/Departments will also be included in the work:

- Waterfront Department (Leadbetter Entrance and Leadbetter Main Parking lots)
- Public Works Transportation Division (Downtown Parking Lots 8 and 10, the Cota and Carrillo Commuter Lots)
- Public Works Water Resources Division (El Estero Wastewater Treatment Plant)
- Public Works Facilities Division (Fire Station No. 4 and Pershing Park Parking Lots)

These facilities have been included in the Project on behalf of each department fund manager to take advantage of economies of scale.

CONTRACT BIDS

A total of three bids were received for the subject work, which included the basic contract and additional bid alternates that could be exercised at the City's option, ranging as follows:

BIDDER	BID AMOUNT (Basic Bid Plus Additional Alternates)
1. Granite Construction Company Watsonville, CA	\$1,694,493.00
2. Lash Construction Santa Barbara, CA	\$1,951,511.00
3. Berry General Engineering Ventura, CA	\$2,386,617.50

The low bid of \$1,694,493, submitted by Granite, is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$111,260, or 8%, is typical for this type of work and size of project.

CONSTRUCTION PHASE CONTRACT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with Flowers in the amount of \$120,353 for construction support services. Flowers is on the City's Prequalified Engineering Services list and is experienced in this type of work.

COMMUNITY OUTREACH

Prior to going out for bids, staff sent notifications to residents and property owners to give them information about the upcoming work in their neighborhood. The contractor is also required to advertise the Project in local papers three weeks prior to the work in order to inform the general public of this upcoming work. Door hangers will be placed at

each property adjacent to the work area 72 hours in advance to notify residents of the planned schedule. In addition, "No Parking" signs will be posted. Staff has also placed a scroll on City TV 18 with information regarding the upcoming Project. Lastly, as the work is in the downtown grid, staff has notified the Downtown Organization of the pending work. Meetings were held to discuss the optimal time for the scheduled work to have minimal impact to businesses within the downtown area.

FUNDING

This Project is mainly funded by Measure A and Utility User Tax funds, along with other respective Department/Division contributions for their share of the work. There are sufficient appropriated funds within the various programs to cover the cost of this Project.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Construction Contract	\$1,390,743	\$111,260	\$1,502,003
Consultant Contract	\$109,412	\$10,941	\$120,353
TOTAL RECOMMENDED AUTHORIZATION			\$1,622,356

The following summarizes all Project design costs, construction contract funding, and other Project costs:

ESTIMATED TOTAL PROJECT COST

**Cents have been rounded to the nearest dollar in this table.*

Design (by Contract)	\$41,834
City Staff Costs	\$16,812
Subtotal	\$58,646
Construction Contract	\$1,390,743
Construction Change Order Allowance	\$111,260
Construction Management/Inspection (by Contract)	\$120,353
Subtotal	\$1,622,356
Construction Administration (by City Staff)	\$30,000
Subtotal	\$30,000
TOTAL PROJECT COST	\$1,711,002

ATTACHMENT: Pavement Zone Map

PREPARED BY: Joshua Haggmark, Principal Civil Engineer/TC/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA ROAD MAP 2010
PAVEMENT ZONE MAP
UPDATED MAY 2010

-	
FEB 83	
-	-
FEB 83	MAR 83
-	
FEB 83	
BFL 1 OF 1	

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CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 17, 2011

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction Of The Zone 6 Slurry Seal Project

RECOMMENDATION: That Council:

- A. Award a contract with Pavement Coatings Co. (Pavement Coatings) in their low bid amount of \$1,011,716 for construction of the Zone 6 Slurry Seal Project (Project), Bid No. 3625;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$80,937 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- C. Authorize the Public Works Director to execute a contract with Flowers and Associates (Flowers) in the amount of \$196,655 for construction support services, and approve expenditures of up to \$19,665 for extra services of Flowers that may result from necessary changes in the scope of work.

EXECUTIVE SUMMARY:

The Zone 6 Slurry Seal Project is part of the annual Pavement Maintenance Program (Program), along with the Zone 6 Pavement Preparation contract. The intent of the Program is to maintain the City's asphalt pavement roadway infrastructure using a structured, systematic approach. The City is divided into seven pavement maintenance zones and, in general, one zone is maintained each year. This year's zone, Zone 6, consists of the primary arterial roads which are used the most throughout the City.

DISCUSSION:

PROJECT DESCRIPTION

The work consists of re-sealing full roadways on various roads throughout the City, encompassing streets mainly in Zone 6 (Attachment).

In conjunction with this Project, parking lots maintained by the following Divisions/Departments will also be included in the work:

- Waterfront Department (Leadbetter Entrance and Leadbetter Main Parking lots)
- Public Works Transportation Division (Downtown Parking Lots 8 and 10, and the Cota and Carrillo Commuter Lots)
- Public Works Water Resources Division (El Estero Wastewater Treatment Plant)
- Public Works Facilities Division (Fire Station No. 4 and Pershing Park Parking Lots)

These facilities have been included in the Project on behalf of each department fund manager to take advantage of economies of scale.

CONTRACT BIDS

A total of four bids were received for the subject work, which included the basic contract and additional bid alternates that could be exercised at the City's option, ranging as follows:

BIDDER	BID AMOUNT (Includes Basic Contract Plus Alternates)
1. Pavement Coatings Co. Mira Loma, CA	\$1,479,396.00
2. Roy Allan Slurry Seal, Inc. Santa Fe Springs, CA	\$1,613,276.00
3. Intermountain Slurry Seal, Inc. Watsonville, CA	\$1,645,645.00
4. Valley Slurry Seal Co. Sacramento, CA	\$1,723,335.10

The low bid of \$1,479,396, submitted by Pavement Coatings, is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$80,397, or 8%, is typical for this type of work and size of project.

CONSTRUCTION PHASE CONTRACT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with Flowers in the amount of \$216,320 for construction support services. Flowers is on the City's Prequalified Engineering Services list and is experienced in this type of work.

COMMUNITY OUTREACH

Prior to going out for bids, staff sent notifications to residents and property owners to give them information about the upcoming work in their neighborhood. The contractor is also required to advertise the Project in local papers three weeks prior to the work in order to inform the general public of the upcoming work. Door hangers will be placed at each property adjacent to the work area 72 hours in advance to notify them of the planned schedule. In addition, "No Parking" signs will be posted. Staff has also placed a scroll on City TV 18 with information regarding the upcoming Project. Lastly, as the majority of the work is in the downtown grid, staff has notified the Downtown Organization of the pending work. Meetings were held to discuss the optimal time for scheduled work to have minimal impact to businesses within the downtown area.

FUNDING

This Project is mainly funded by Measure A and Utility User Tax funds, along with other respective Department/Division contributions for their share of the work. There are sufficient appropriated funds within the various programs to cover the cost of this Project.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Construction Contract	\$1,011,716	\$80,937	\$1,092,653
Consultant Contract	\$196,655	\$19,665	\$216,320
TOTAL RECOMMENDED AUTHORIZATION			\$1,308,973

The following summarizes all Project design costs, construction contract funding, and other Project costs:

ESTIMATED TOTAL PROJECT COST

**Cents have been rounded to the nearest dollar in this table.*

Design (by Contract)	\$27,890
City Staff Costs	\$16,812
Subtotal	\$44,702
Construction Contract	\$1,011,716
Construction Change Order Allowance	\$80,397
Construction Management/Inspection (by Contract)	\$216,320
Subtotal	\$1,308,973
Construction Administration (by City Staff)	\$30,000
Subtotal	\$30,000
TOTAL PROJECT COST	\$1,383,675

ATTACHMENT: Pavement Zone Map

PREPARED BY: Joshua Haggmark, Principal Civil Engineer/TC/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 17, 2011

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

Subject: Community Priority Designation For 602 Anacapa Street

RECOMMENDATION:

That Council find that the Antioch University development project at 602 Anacapa Street meets the definition of a Community Priority Project, and grant the project a Preliminary Community Priority Designation for an allocation of 2,671 square feet of nonresidential floor area.

DISCUSSION:

Project Description

The project consists of a proposal to construct a 3,626 square foot (sf) addition, to create classrooms and offices for Antioch University, completely within the existing first floor volume of an existing mixed-use building. In order to proceed with this project, the applicant requests an allocation of 2,671 square feet from the Community Priority category. In addition to the requested allocation from the Community Priority category, the applicant has proposed the use of 955 square feet from the Small Addition category as defined in Santa Barbara Municipal Code Section 28.87.300.B to complete a new second floor within the existing one-story volume. The construction of the project is being phased to allow the applicant to expedite construction and the relocation of the school's administrative offices by May of 2011. All other areas of the university are expected to be constructed and relocated by the Fall of 2011.

Background

On March 7, 2011, the City received an Architectural Board of Review application for minor exterior alterations. The proposal included the demolition of a 1,691 square-foot exterior mezzanine, and construction of a 2,646 square foot second floor within the existing one-story volume (1,691 square feet to be demolished plus a 955 square-foot Small Addition = 2,646 square feet total floor area). Development Plan Approval (DPA) by the Architectural Board of Review is required because the cumulative additions for the site are between 1,000 and 3,000 square feet.

On March 10, 2011, the City received a building permit application for interior tenant improvements on the existing first and second floors of the building, for the school use (Antioch University).

On March 30, 2011, the applicant submitted a Pre-application Review Team (PRT) application which proposed to retain the 1,691 square-foot exterior storage mezzanine and increase the total additions by 980 square feet. The applicant has requested that City Council allocate 2,671 square feet from the Community Priority designation to complete the project. The phasing described was necessitated by the applicant's financial need to expedite the school's occupancy, and insufficient amount of time to obtain the required approvals for a single un-phased project. The resulting project would consist of a 3,626 square foot ($2,671 + 955 = 3,626$) addition to create a new second floor within the one-story volume with some exterior alterations. This proposal also includes a request for Development Plan Approval by the Planning Commission. The applicant continues to process the two applications concurrently to meet the school's scheduled occupancy dates. The environmental review for the cumulative project will be completed prior to an approval being granted for either project.

On April 7, 2011, staff brought the proposed change of use request to the Planning Commission during a lunch meeting and advised the Commission of the determination that the use had been found in substantial conformance with the original conditions of approval for the mixed-use building. Staff also informed the Commission of the phased approach for the project. The Commission supported staff's determination.

Community Priority Category

SBMC §28.87.300 provides for City Council designations of square footage for projects of broad public benefit deemed "*necessary to meet present or projected needs directly related to public health, safety or general welfare*". To date, a total of 231,965 square feet has been allocated (both preliminary and final designations) out of the Community Priority Category, with 68,035 square feet still available. Please refer to Attachment 3 for a list of Community Priority projects that have received a Preliminary or Final Designation. As noted on the list, there are some preliminary designations that may be reallocated to other categories, or withdrawn. These changes could possibly result in 27,000 to 99,500 square feet being added back to the Community Priority category to be used for future allocations.

Needs Assessment

As discussed above, the proposed addition would accommodate the school's existing operational needs from existing programs which are being relocated to the site. The project meets the definition of a community priority project because Antioch is an institution of higher learning which caters to Santa Barbara residents by providing students knowledge, skills, and habits which contribute to the general welfare of the community. Both Staff and the Planning Commission believe that the project meets the

definition of a community priority and, therefore recommend approval of a Preliminary Community Priority Category allocation of 2,617 square feet.

NOTE: The project plans have been sent separately to the City Council and are available for public review in the City Clerk's Office.

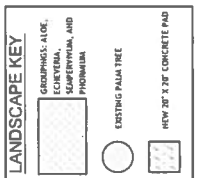
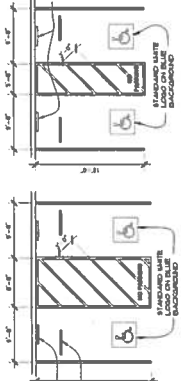
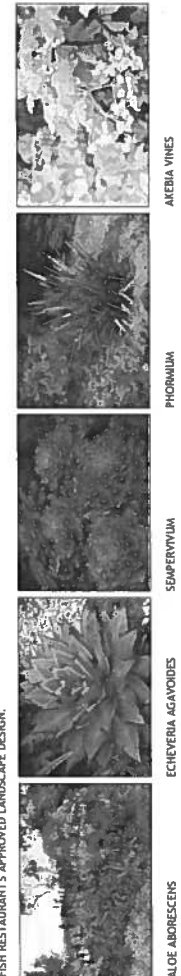
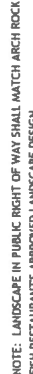
ATTACHMENTS:

1. Site Plan and floor plans
2. Applicant Letter dated April 2011
3. Community Priority Projects List

PREPARED BY: Suzanne Riegle, Assistant Planner

SUBMITTED BY: Paul Casey, Assistant City Administrator

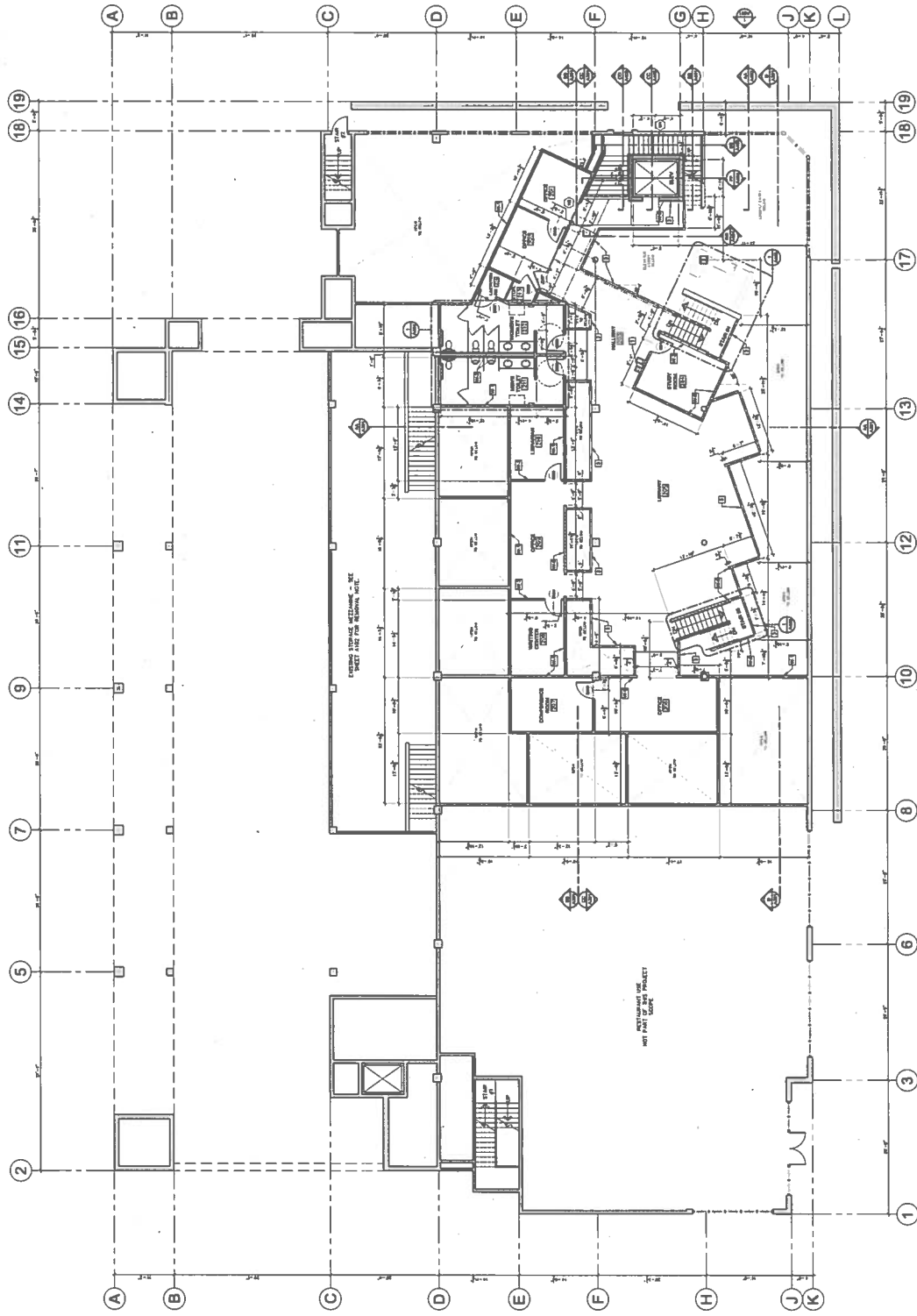
APPROVED BY: City Administrator's Office



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FLOOR PLAN NOTES

- 1 (N) HE LOW ADA ACCESSIBLE DRINKING FOUNTAIN
- 2 SIZE SHEETS AIDS AND AIDS FOR ELEVATOR CONTROLS
- 3 CABLE GUARD RAIL SIZE SHEET AIDS FOR DET.



LEVEL 2 FLOOR PLAN
SCALE: 1/8" = 1'-0"



WALL TYPE LEGEND	
W-1	2 X 8 STEEL STUD
W-2	3 FORM TRANSLUCENT WALL
W-3	2 X 4 STEEL STUD
W-4	10" STEEL SHAFI WALL - 802 STRUCTURAL
W-5	RECEPTION DESK WALL 802 SHEET ASB
W-6	BALCONY HANGAR HEIGHT WALL
W-7	EXISTING WALL

LEVEL 3 FLOOR PLAN
SCALE: 1/8" = 1'-0"

S U Z A N N E E L L E D G E
P L A N N I N G & P E R M I T T I N G S E R V I C E S , I N C .

PRINCIPAL PLANNERS
SUZANNE ELLEDGE • LAUREL F. PEREZ
4 April 2011

RECEIVED
APR 04 2011

CITY OF SANTA BARBARA
PLANNING DIVISION

Suzanne Riegle, Associate Planner
Community Development Department, Planning Division
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

RE: Antioch University – Pre-Application Review Team Submittal (PRT);
(MST2011-00145), 602 Anacapa Street (APN 031-151-017)

Dear Ms. Riegle:

On behalf of Antioch University, applicants of 602 Anacapa Street, we are pleased to submit this applicant letter/project description as part of the Pre-Application Review Team (PRT) application material for your review.

Antioch University – History

Antioch University, originally a single campus college was founded in 1852 in Yellow Springs, Ohio inspired by Horace Mann, a vocal advocate for higher education that promotes the common good. Antioch was one of the first coeducational colleges to offer the same curriculum to male and female students and the first to grant a tenured professorship to a woman. Antioch was also one of the first historically all-white colleges and universities to eliminate race as an admission requirement and to actively recruit African American students.

Antioch University Santa Barbara

For more than 30 years, Antioch University's Santa Barbara (AUSB) campus has been part of the higher education community on the central coast in an opportune downtown location. AUSB is distinguished for its unique undergraduate degree completion program in liberal studies and its graduate master's and doctoral programs in clinical psychology and education that integrate students' academic experience and experiential learning. Today students' busy lives and diverse demands and responsibilities require educational institutions to provide a higher level of accessibility and flexibility. The community will benefit from the unique collaboration between Antioch University and the Hutton Parker Foundation who have purchased the property at 602 Anacapa Street and provided a long term lease.

Project Description

The subject property is located on the corner of Anacapa and Cota Streets and is developed with a three-story mixed use building that was approved by the Planning Commission in 1986. The property is zoned C-M (Commercial Manufacturing) and has a General Plan land use designation of Offices/Major Public Institutional. Additionally, the property is located in the Central Business District (CBD) and has an 80% designated parking zone of benefit.

The first floor, approximately 14,088 square feet, is currently occupied by a restaurant and the remaining space, approximately 9,454 net square feet, is vacant. The project involves a tenant improvement and creation of a new second story within the structure. The new second floor consists 3,626 net square feet. No changes are proposed to six units located on the third story.

There is an existing parking garage that serves the property containing 31 spaces accessed off of Cota Street. No changes are proposed to the parking.

Development Plan Approval and Community Priority Request

The project requires a Development Plan approval to increase the internal non-residential floor area of the existing building. In 1992, Development Plan Approval findings were made for an addition of 1,691 square feet located in a mezzanine structure within the garage and an addition of 354 square feet of office space on the second floor. As a result, there are 955 square feet of non-residential floor area remaining in the minor additions category.

In order for the University to function and provide adequate classroom space, staff and faculty offices, and necessary student support space (such as the library and writing center) we are requesting a Community Priority designation for additional floor area of 2,671 square feet beyond the allowed allocations from the minor and small additions categories. The mission statement of Antioch University is to nurture in their students the knowledge, skills and habits of reflection to excel as lifelong learners, democratic leaders and global citizens who live lives of meaning and purpose. As such AUSB contributes significantly to the general welfare of our community.

Discretionary Approvals for Consideration

The project requests the following discretionary actions for consideration:

1. Preliminary Designation of Community Priority project development status per SBMC §28.87.300.

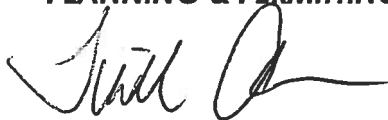
2. Development Plan Approval to allocate non-residential square footage from the Minor Addition and Community Priority categories per SBMC §28.87.300.
3. Final Designation of Community Priority project development status per SBMC §28.87.300.

Project Justification – Development Plan

The project is consistent with the zoning ordinance and an example of sound community planning. It meets the intent and purpose of the Development Plan and Community Priority designation. Additionally, the project is subject to review and approval by the Architectural Board of review and must meet the Board's mass, bulk and scale and neighborhood compatibility standards.

On behalf of the applicant and project team, we thank you for your review and comments regarding this PRT application.

Sincerely,
SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES



Trish Allen, AICP
Senior Planner

**PROJECTS WITH PRELIMINARY OR FINAL
COMMUNITY PRIORITY DESIGNATIONS**

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Boys & Girls Club Addition 602 W Anapamu Street MST2002-00786	4,800		Initial application 1990; potential - working on revised
Housing Authority 702 Laguna Street MST92-00043		4,550	Completed
Natural History Museum 2559 Puesta Del Sol MST92-00608		2,165	Completed
Airport Fire Station 40 Hartley Place MST92-00746		5,300	Completed
Santa Barbara Zoo 500 Niños Drive MST95-00330		210	Completed
Desalination Plant 525 E. Yanonali Street MST95-00425 (MST90-00360)		528	Completed
Santa Barbara Rescue Mission 535 E. Yanonali Street MST96-00228		7,213	Completed
Airport Master Plan 601 Firestone Road MST96-00355		12,557*	Airline Terminal expansion; portion or all may be considered for Economic Development category at later date
Airport Master Plan 601 Firestone Road MST96-00355		50,000*	
Rehabilitation Institute 2405 and 2415 De la Vina Street MST97-00196		9,110	Completed
Visitor Information Center - Entrada de Santa Barbara 35 State Street MST97-00357		2,500	Approved 8/21/01

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Santa Barbara Harbor Restrooms 134 Harbor Way MST97-00387		1,200	Completed
Airport Terminal Expansion (trailers) 500 Fowler Rd. MST97-00392		2,300	Completed
Waterfront Department Offices 132 Harbor Way MST97-00503		3,240	Completed
Transitions Preschool 2121 De la Vina Street MST97-00696		723	Completed
S.B. Maritime Museum 113 Harbor Way MST97-00832		2,805	Completed
Santa Barbara Cottage Hospital (Hospitality House) 2407-2409 Bath Street MST98-00042		4,158	Completed
MacKenzie Park Lawn Bowls Clubhouse 3111 State Street MST98-00076		763	Completed
Cottage Hospital 320 West Pueblo Street MST98-00287		980	Completed
The Full Circle Preschool 509 West Los Olivos Street MST98-00231		832	Completed
Storyteller Children's Center 2115 State Street MST98-00364		2,356	Completed
Free Methodist Church 1435 Cliff Drive MST98-00877		2,544	Completed
Salvation Army 423 Chapala Street MST99-00014		2,968	Completed
Homeless Day Center and Shelter 816 Cacique Street MST99-00432		10,856	Completed

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Emmanuel Lutheran Church 3721 Modoc Road MST99-00510		8,120	Completed
Marymount School 2130 Mission Ridge Road MST99-00542		4,000	Completed
Parking Lot 6 – Granada Theater 1221 Anacapa MST1999-00909/MST2003-00908		7,810	Completed
Planned Parenthood 518 Garden Street MST1999-00916		3,565	Completed
Sea Center 211 & 213 Stearns Wharf MST2000-00324		3,212	Completed
Santa Barbara Zoo 500 Ninos Drive MST2000-00707 (& MST2002-00676)		10,000	Final Designation 4/10/2007
Clean Water and Creeks Restoration Office 620 Laguna Street MST2000-00828		480	Completed
Elings Park 1298 Las Positas Road MST2001-00007/MST2006-00509	12,190		Draft EIR stage
Braille Institute 2031 De la Vina Street MST2001-00048		4,000	Completed
Modular Classrooms at Boys & Girls Club 632 E. Canon Perdido Street MST2001-00150		6,502	Completed
Cater Water Treatment Plant 1150 San Roque Road MST2001-00732		6,750	Completed
Santa Barbara Neighborhood Medical Clinics 915 North Milpas Street MST2001-00774		2,518	Completed
632 E. Canon Perdido St. Boys and Girls Club MST2002-00786 MST2008-00563	7,600		Preliminary Designation 7/15/03

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
617 Garden St. Mental Health Assoc. MST2002-00257		2,703	BP Issued 11/17/06
4000 La Colina Rd Bishop Diego High School MST 2004-00673		9,512	Final Designation 12/20/2005
540 W Pueblo St Cancer Center MST2007-00092		5,845	Final Designation 7/13/2010
125 State St Children's Museum MST2009-00119	2,500		Preliminary Designation 4/7/2009
SUBTOTALS:	27,090	199,030	
ALLOCATED TO DATE: 231,965 SQ. FT. REMAINING UNALLOCATED: 68,035 SQ. FT.			



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 17, 2011

TO: Mayor and Councilmembers

FROM: Administration Division, Fire Department

SUBJECT: Response To The 2010-2011 Grand Jury Report – Improving Our Emergency Alert System In The 21st Century

RECOMMENDATION:

That Council review and approve a draft letter in response to the findings and recommendations of the 2010-2011 Santa Barbara County Civil Grand Jury report titled, Improving our Emergency Alert System in the 21st Century.

DISCUSSION:

On March 10, 2011 the Santa Barbara County Civil Grand Jury delivered a copy of the report to the city titled, Improving our Emergency Alert System in the 21st Century. The report was in response to emergency communications with the public during the series of wildfires which impacted our area communities in 2008 and 2009.

The report included a number of findings and recommendations which require written responses from the City, the County and numerous other public agencies.

California Penal Code Section 933(c) requires that the governing body of each public agency which is the subject of a report from the county civil grand jury, respond on the findings and recommendations contained in the report which are relevant to that particular public agency. Staff has drafted a proposed response letter from the City for Council approval.

ATTACHMENT: Draft Response Letter from City of Santa Barbara

PREPARED BY: Andrew DiMizio, Fire Chief

APPROVED BY: City Administrator's Office

May , 2011

The Honorable Arthur A. Garcia
Assistant Presiding Judge
Santa Barbara Superior Court
312 East Cook Street
P.O. Box 5369
Santa Maria, CA 93456-5369

Santa Barbara County Grand Jury
Foreperson Kathryn D. McKee
1100 Anacapa Street
Santa Barbara, CA 93101

Re: Grand Jury Report entitled "Improving Our Emergency Alert System in the 21st Century"

Dear Judge Garcia,

This letter is in response to the Santa Barbara County Grand Jury's letter dated March 10, 2011 requesting a response to its 2010-2011 report titled *Improving our Emergency Alert System in the 21st Century*. Attached please find the City of Santa Barbara's response pursuant to the requirements of the California Penal Code Section 933.05.

The City of Santa Barbara has been tasked with responding to Findings #2, #3 and Recommendation #2 of the Grand Jury Report entitled "Improving Our Emergency Alert System in the 21st Century". The attached response was approved by the Santa Barbara City Council on Tuesday, May 17, 2011.

Very Truly Yours,

James L. Armstrong,
City Administrator

Attachment

Cc: Mayor and City Council members
Steve Wiley, City Attorney
Marcelo Lopez, Assistant City Administrator
Cam Sanchez, Police Chief
Cyndi Rodriguez, City Clerk Services Manager

Improving our Emergency Alert System in the 21st Century – Responses April 18, 2011

Finding 2

During past crises, emergency agencies have not always communicated with each other which may have slowed information being passed to affected residents.

Response: The City has excellent relationships with all regional emergency response agencies and communication has improved throughout each recent emergency. Under the City of Santa Barbara's (City) Activation Plan, the City is required to report immediately to the County Office of Emergency Services (County) during an activation of the Emergency Operations Center (EOC). It is also the responsibility of the Emergency Manager to update the County with all information regarding the incident. During the Tea and Jesusita Fires, which impacted the City, the County was notified in a timely manner and was giving periodic updates on current and impending situations. Also, during the last two tsunami threats within the City, although the EOC was not activated, the City was in contact with the County giving updates as applicable.

Recent large scale wildfires, including the Zaca, Gap, Tea and Jesusita events, have exercised the response system. With each succeeding event, the quantity and quality of interagency communication has improved. The City of Santa Barbara participated in unified command management of both the Tea and the Jesusita Fires, along with Montecito Fire Protection District (Tea Fire), Cal Fire, Santa Barbara County, and the United States Forest Service. Ongoing communication occurred face to face, in real time, from the very inception of these incidents. The unified command structure used to manage these incidents included law enforcement, fire agencies and all support personnel. Many, if not all, of the responders knew each other by first name, as a result of working together regularly and at some of the large scale evacuation exercises that were held in the City and Montecito during this same time period. Unified commanders shared emergency information with their respective EOC's and policy administrators creating feedback loops both to and from the incident to the respective involved jurisdictions.

An important and required part of emergency management is an after action review of any large scale incident in which the EOC is activated and State and/or federal funds are used. Subsequent to the Tea Fire, City OES reviewed the Public Information component, and saw the need for additional staffing to provide faster acquisition and dissemination of information from the field. A media working group addressed this issue in February, 2009. As a result of that effort, a group of City Firefighters were trained in emergency communications and a new deployment model for field public information was developed. These individuals could operate in the hazardous fire area, and provide accurate and timely information for EOC staff as well as the public. This model was first used on the Jesusita Fire in May of 2009. Also, a Joint Information Center (JIC) was implemented much sooner for the Jesusita Fire than the Tea Fire to good result. City Fire PIO's were

integrated into the incident command team, the City EOC and the Joint Information Center and provided unprecedented information transfer in all areas.

The Santa Barbara City Fire Department has since added social networking to the repertoire of notification methods. Our Facebook page is subscribed to by many residents and most major media outlets. Ongoing items of interest in an emergency may be posted quickly and immediately picked up by residents and media alike.

It is important to balance the public's ever increasing, seemingly insatiable need for speed and quantity of information with the mandate that public safety responders always provide accurate and unbiased notification. Information that is *inaccurate* is more damaging than slow or little information, when lives and people's property are at stake. We recognize, that in the absence of information, the public will now create information; as so many of us now carry cell phones that can document and access information via the internet at a lightning pace. The public's critical perception of slow information transfer from public agencies is also partially caused by the speed at which we can now access and transmit information via mobile technology such as smart phones and social media.

Every incident occurs at a different pace, and the safety of responders and the public is paramount to all other areas. It is impossible to apply one set of standards for every emergency. Options, such as Reverse 911®, Low power radio, Television, sirens, etc, are now available for communication between responders and the public. Incident commanders utilized many of these methods to communicate the successful evacuation of an estimated 30,000 area citizens in the Jesusita Fire. Each method of communication has limitations and advantages for when and how they are used. Budgetary restrictions limit the implementation of some communication methods, such as dedicated siren alerting or radio systems. Although events may sometimes develop faster than the ability of emergency communications to stay ahead of them, residents and other public agencies are notified at the soonest possible moment with accurate information in a variety of ways, as soon as critical information is learned.

Recommendation 2

The Board of Supervisors and appropriate city jurisdictions require their respective emergency agencies to pass emergency information to adjacent jurisdictions and the Office of Emergency Services without delay.

Response:

This recommendation for a requirement is already in place and is being exercised. The City has a plan in place for communicating with the County during any type of actual or impending incident/emergency. This communication plan is in concurrence with the State's Standardized Emergency Management System requirement, California Government Code section 8706. The City EOC stands ready to support the WebEOC communication component that was purchased with County Homeland Security funding. This internet based tool will link all

jurisdictional EOC's within the OES Operational Area when it comes on line with the completion of the new County OES facility, which is currently under construction.

City of Santa Barbara Emergency Plan:

<http://www.santabarbaraca.gov/NR/rdonlyres/BEA32DB8-89D2-4B4A-BB09-4C34CA429569/0/EOPsmaller.pdf>

Finding 3

No single public emergency services agency has accepted the responsibility for educating the public about the actions the public must take to access emergency service communications or what information the public can expect from various emergency alert/information systems.

Response:

Santa Barbara County OES is tasked with the goal to provide ongoing efforts towards collaboration and cooperation of all the operational area emergency agencies in providing unified public education efforts throughout Santa Barbara County. In late 2008, an Orfalea Fund initiative created *Aware and Prepare*, which created community partnerships to strengthen emergency and disaster readiness. Many positive benefits for the Santa Barbara County public have come out of this grant supported initiative. It was decided in July 2010, that the management of *Aware and Prepare* be transitioned to the Santa Barbara County OES to provide a long term sustainable model. This transition has not been finalized.

The City of Santa Barbara has and will support all efforts to work together regionally to benefit the public in the area of emergency communications. To this end, the City Fire Department OES provides and actively supports Community Emergency Response Team (CERT) training, not only within jurisdiction but throughout the County. City OES was instrumental in creating a CERT Committee that reviews emergency training curriculum. The Committee has also conducted train the trainer courses to develop CERT trainers throughout the County. City OES uses a variety of methods to convey emergency readiness information to the public, including public meetings, television, and the radio. A monthly informative newsletter is available to the public at the OES website, and through e- subscriptions. City OES assisted in the development and delivery of regional post-fire flood preparedness information during the winter of 2010. Through the coordinated efforts of City and County OES, the City received a Storm Ready designation by the National Weather Service in August of 2009 and is on track to be a Tsunami Ready community by the end of this year.

The City of Santa Barbara Office of Emergency services suffered the loss of a dedicated public education coordinator in 2009 due to budget constraints. Despite this, and only having one management position to coordinate all OES efforts, the City continues to provide emergency preparedness information

through a variety of methods to the public. The City's Fire Department Office of Emergency Services is committed to relaying emergency preparedness information to its citizens by working with the County and other jurisdictions, which includes non-governmental agencies, such as the Red Cross, the previously mentioned Aware and Prepare, Listos, Independent Living Resource Center and VOAD. Exploration for new options and methods to reach the public with emergency information is an integral and ongoing effort.

The City of Santa Barbara OES Website and access to the monthly public emergency preparedness newsletter is located on the internet at:

<http://www.santabarbaraca.gov/Resident/OES/>



CITY OF SANTA BARBARA

CITY COUNCIL AGENDA REPORT

AGENDA DATE: May 17, 2011

TO: Mayor and Councilmembers

FROM: City Administrator's Office
City Attorney's Office

SUBJECT: Appeal Of Penalty For Late Tax Filing By Santa Barbara Inn

RECOMMENDATION:

That the City Council appoint the City Administrator as the appropriate City officer to hear the appeal of the imposition of a penalty for a late transient occupancy tax payment upon the Santa Barbara Inn pursuant to the authority of Santa Barbara Municipal Code Section 1.30.050(B).

DISCUSSION:

The Santa Barbara Inn, located at 901 East Cabrillo Boulevard, has requested an administrative appeal for the imposition of a penalty for their late payment of transient occupancy tax received on April 13, 2011. Under SBMC Section 4.08.140, a lodging establishment operator may appeal the decision of the Finance Director with respect to the amount of penalties imposed. The original request for a waiver of penalty from Santa Barbara Inn was denied by the Finance Department.

The City of Santa Barbara levies a 12 percent occupancy tax on lodging customers under Santa Barbara Municipal Code (SBMC) sections 4.08 and 4.09. The tax is collected by lodging operators from hotel patrons on behalf of the City and then reported and remitted to the City on a monthly basis. SBMC Section 4.08.070 states that each lodging operator shall report and remit all transient occupancy tax collected on or before the tenth (10th) day after the close of each calendar month. For any month when the 10th calendar day falls on a Saturday, Sunday or City holiday, the next business day is considered the due date.

The City establishes the "delivery date" by accepting an official postmark date from the U.S. Postal Service as proof of the compliance with the SBMC deadline. When a lodging operator imprints its own metered postage on an envelope, the operator accepts the responsibility for the mailing date because metered imprints only indicate the date that an operator stamped the postage on the envelope, not the date it was actually mailed with the

U.S. Postal Service. For this reason, the monthly City's Transient Occupancy Tax Return states on its face that only official USPS postmarks are acceptable as proof of timely mailing.

The Santa Barbara Inn used a postage meter imprint, dated April 9, 2011, to stamp its remittance envelope for the March 2011 transient occupancy tax payment. Since April 10, 2011 fell on a Sunday, the deadline for U.S. Postal Service postmark or actual receipt by the City was Monday, April 11, 2011. The payment from Santa Barbara Inn was received by the Finance Department on April 13, 2011, two days after the deadline, with no additional postmark from the U.S. Postal Service indicating actual date of mailing.

The Finance department issues one-time waivers for late penalties because unforeseen circumstances and emergencies can occur that make it impossible for an operator to submit their payment in a timely manner. Santa Barbara Inn received a waiver of penalty in 2006 and was informed at the time that the waiver could be issued one time only. Based on this, the Finance Department denied the request for a second waiver of penalty.

Staff recommends that Council refer this appeal to the City Administrator as the City appeal hearing officer to hear and decide the appeal from Santa Barbara Inn as such a referral is authorized by SBMC Section 1.30.050.

PREPARED BY: Jill Taura, Treasury Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 17, 2011

TO: Mayor and Councilmembers

FROM: City Attorney's Office

SUBJECT: Medical Marijuana Dispensary Ordinance – Amendment For Dispensaries Permitted Under The March 2008 Dispensary Ordinance

RECOMMENDATION:

That the City Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code to Establish Revised Regulations for Those Storefront Medical Marijuana Dispensaries Permitted Under City Ordinance No. 5449 as Adopted on March 25, 2008.

DISCUSSION: In March of 2008, the City Council adopted City Ordinance No. 5449 to enact and codify Santa Barbara Municipal Code Chapter 28.80 as the City's first comprehensive zoning scheme for the permitting of storefront medical marijuana dispensaries. The City's enactment of SBMC Chapter 28.80 was in response to the statewide voter approval of Prop 215 in November 1996 (now state Health & Safety Code §11362.5 – and known as the "Compassionate Use Act.") It was also intended to supplement the state Legislature's enactment of the state Medical Marijuana Program Act (Health & Safety Code §§11362.7 -11362.83 – the "MMPA") which became effective on January 1, 2004 and, which according to guidelines adopted by the State Attorney General's Office, allows the operation of storefront medical marijuana dispensaries, under strictly limited circumstances, by groups of people who associate on a cooperative or collective basis to assist qualified patients in cultivating and obtaining medical marijuana.

Given the state medical marijuana law provisions, the Attorney General's express recognition that some medical marijuana dispensaries may be lawful, and with the appearance of several storefront dispensaries within the City in late 2007 and 2008, the City Council decided to enact City zoning regulations to limit dispensaries to nonresidential areas of the City and to establish day-to-day operational and security requirements for such dispensaries – all in an effort to minimize some of the potentially negative collateral impacts which are often associated with dispensaries.

Ultimately, under the City's initial March 2008 Ordinance, three collective/cooperative entities obtained City land use permits to open and operate – provided that they operate in accordance with the state MMPA and the Compassionate Use Act. These City permitted storefront dispensaries are as follows: 1. the Santa Barbara Patients' Collective Health Cooperative (500 N. Milpas), 2. the Greenlight Dispensary (631 Olive Street), and 3. Pacific Coast Collective (300 N. Milpas).

However, in late 2009 and early 2010, it became apparent there was significant public concern that, among other things, the City's March 2008 dispensary ordinance did not expressly limit the number of local collectives/cooperatives which might be allowed to obtain a City dispensary permit nor did it require that the permitted dispensaries be geographically well dispersed around the City. In response, the Council asked the Council Ordinance Committee to hold public hearings to consider amendments to the March 2008 ordinance. Ultimately, after a number of public hearings and significant public input, SBMC Chapter 28.80 was revised in June 2010 to impose a maximum limit on City permitted dispensary locations within the City, including those dispensaries which had been permitted under the original 2008 dispensary ordinance. In addition, the June 2010 ordinance revised the locations within the City where dispensaries could be permitted by establishing five separate dispersed areas for dispensaries. This ordinance also expressly limited dispensaries to certain block faces within each of those areas and by not allowing more than one dispensary in each area.

These locational restrictions had the effect of making two of the dispensaries permitted under the March 2008 ordinance (500 N. Milpas and 631 Olive Street) non-conforming locations. As a result, the June 2010 ordinance required any non-conforming dispensary to either move to a permitted location (by obtaining a new permit for that location) or to close down the previously permitted dispensary within six months of the adoption of the June 2010 ordinance. This final requirement – that certain permitted dispensaries now be required to close within 180 days of the effective date of the June 2010 ordinance - resulted in federal litigation against the City – based on legal claims that the June 2010 ordinance 180 day "amortization" provision violates the federal constitutional rights of the two permitted dispensary operators directly impacted by this requirement; that is, by virtue of the Fifth and Fourteenth Amendments to the U.S. Constitution, these two operators have claimed that, having made a substantial investment in obtaining a City dispensary permit and having undertaken the tenant improvements required by the City in order to open their dispensaries, they acquired a fundamental vested property right to continue in operation.

In November 2010, in ruling on a motion for a preliminary injunction filed by one of the non-conforming dispensary operators, the federal district court judge assigned to hear both lawsuits made it clear that he, at least preliminarily and prior to a trial on the merits, is inclined to agree with these dispensaries that the City's June 2010 ordinance 180 day closure requirement is a possible violation of the due process rights of the dispensary operators. In ruling in favor of the plaintiffs on their motion, the District Court issued a preliminary injunction which orders the City to refrain from any effort to shut the 500 N. Milpas dispensary down, at least pending a full trial of their lawsuit.

Consequently, in an effort to address the constitutional concerns raised by the District Court and to achieve a prompt and mutually acceptable resolution of the litigation filed by the two non-conforming dispensaries, it is the recommendation of the City Attorney's office that the City acknowledge the District Judge's ruling on this motion and accept that the judge in this case is not likely to alter his conclusions regarding the constitutional precedents applicable to the June 2010 ordinance's application to these two previously permitted dispensaries.

As a result, in our view, the City Attorney's office believes it be appropriate for the City Council to amend the City's present dispensary ordinance to acknowledge that the two dispensaries permitted under the March 2008 ordinance (but which are located at locations no longer allowed for dispensaries) may continue as pre-existing non-conforming uses for a total period of four years from the effective date of the June 2010 Dispensary Ordinance amendment. Therefore, we recommend the adoption of the attached uncodified ordinance which would impose the new four year amortization period which adoption we believe will result in a successful and final resolution of the pending federal court litigation.

We should also be clear, however, that nothing in this ordinance will allow any medical marijuana dispensary within the City to operate on a day-to-day basis in a manner contrary to the state Compassionate Use Act, the state Medical Marijuana Program Act, or the June 2010 Ordinance's operational requirements. And, of course, nothing allows the distribution of marijuana to persons not entitled to its use under state law (i.e., use by a "qualified patient") or the distribution of marijuana on a for-profit basis and doing so will remain a crime under the state Penal Code which will be prosecuted. Finally, as a non-conforming use, these dispensaries would be subject to the City's existing Zoning Ordinance requirement that any non-conforming use which ceases operation for a continuous period of more than thirty days will lose its legal non-conforming status and must close and any dispensary which violates the law is subject to having its permit revoked upon the completion of an appropriate "due process" revocation hearing.

PREPARED BY: Stephen P. Wiley, City Attorney

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE MUNICIPAL CODE TO ESTABLISH REVISED REGULATIONS FOR THOSE STOREFRONT MEDICAL MARIJUANA DISPENSARIES PERMITTED UNDER CITY ORDINANCE NO. 5449 AS ADOPTED ON MARCH 25, 2008.

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION ONE. Dispensaries Permitted Under City Ordinance No. 5449. Notwithstanding Section Two of City Ordinance No. 5526, as adopted on June 29, 2010 and Santa Barbara Municipal Code section 28.80.050, those dispensaries which are being operated in a manner consistent with state law and which were permitted by the City under City Ordinance No. 5449 (as adopted by the City Council on March 25, 2008) may, despite a non-conforming location, remain as a legal non-conforming use at such permitted locations for a period of four (4) years after the effective date of City Ordinance No. 5526 provided that:

1. the day-to-day operation of the non-conforming dispensary is consistent with dispensary operational requirements of Chapter 28.80, as such requirements were enacted by City Ordinance No. 5526, and;
2. the operation of the non-conforming dispensary is not discontinued for a period of time in excess of thirty (30) consecutive days.

SECTION TWO. Those provisions of Santa Barbara Municipal Code Chapter 28.80 not inconsistent with this ordinance shall remain in full force and effect with respect to the storefront dispensaries permitted by Santa Barbara Municipal Chapter 28.80 (as presently codified) by City Ordinance No. 5526.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 17, 2011

TO: Mayor and Councilmembers

FROM: City Clerk's Office, Administrative Services Department

SUBJECT: Agreements With Martin & Chapman Company And Donna M. Grindey, CMC, For Election Services Related To The November 8, 2011, General Municipal Election

RECOMMENDATION: That Council:

- A. Authorize the Administrative Services Director to execute a \$141,500 professional services agreement, in a form of agreement acceptable to the City Attorney, with Martin & Chapman Company for election services, and to approve expenditures of up to \$21,225 for extra services that may result from necessary changes in the scope of work; and
- B. Authorize the Administrative Services Director to execute a \$40,000 professional services agreement, in a form of agreement acceptable to the City Attorney, with Donna M. Grindey, CMC, for election services, and to approve expenditures of up to \$6,000 for extra services that may result from necessary changes in the scope of work.

DISCUSSION:

The City's next general municipal election to fill three City Council seats and vote on ballot measures, if any, will be held on Tuesday, November 8, 2011. On April 26, 2011, Council authorized conducting the November 8, 2011, election as a vote-by-mail election.

The purpose of this Council Agenda Report is to obtain Council approval to contract with Martin & Chapman Company and Donna M. Grindey, CMC, for professional services related to the administration of the November 8, 2011, vote-by-mail general municipal election.

MARTIN & CHAPMAN

Martin & Chapman Company, located in Anaheim, was established in 1956 and provides election supplies, services and consultation to more than 400 cities, counties and associations in the states of California and Nevada. Martin & Chapman has provided services to the City for the past 20 years, including assisting with the City's 2007 and 2009 stand-alone general municipal elections. Martin & Chapman serves as the primary election consultant for the counties of Ventura, Santa Barbara, San Luis Obispo, Los Angeles, Orange, San Bernardino, Riverside, San Diego, and Imperial.

Martin & Chapman will provide the following supplies and services to the City of Santa Barbara:

- Nomination, mail ballot and precinct supplies;
- Voter identification reports;
- Vote by mail tracking program;
- Sample ballot/voter information pamphlets;
- Official ballots and supplies;
- Ballot counting, including equipment, and election night supplies;
- Translation services; and
- Expert technical assistance by telephone or in person.

DONNA M. GRINDEY

Donna M. Grindey is a retired City Clerk who specializes in election consulting services. Ms. Grindey will assist with all aspects of the election process. As a City Clerk, Ms. Grindey successfully managed seven stand-alone elections for the cities of Santa Clarita and Lancaster. Ms. Grindey has satisfactorily provided stand-alone election consultant services to several tri-county cities, including the City of Santa Barbara.

Ms. Grindey will provide the following services:

- Preparation of election resolutions, notices, and candidate nomination papers;
- Identification of polling locations and precinct workers;
- Processing of vote-by-mail voter information;
- Supervision of the canvassing process and preparation of reports;
- Design of central counting center; and
- Training of City staff on all aspects of the election process.

NEXT STEPS

Staff plans to return to Council next month requesting Council adoption of the following resolutions necessary to schedule the City's general municipal election:

- Calling for the election;
- Authorizing a vote-by-mail election;
- Adopting regulations pertaining to candidates' statements;
- Directing the City Attorney to prepare impartial analyses of any ballot measures or Charter Amendments; and
- Setting priorities for filing written arguments for ballot measures or Charter Amendments.

CONTRACT TERMINATION CLAUSE

Both contracts include a termination clause that allows either party to cancel the contract by giving a seven day notice. This clause is particularly important this year if the State calls for a Special Election in November. With a Special Election we would then be part of a county managed consolidated election. If that were to happen we would only be liable for costs incurred up to the date of cancellation. All parties are aware of this possibility.

BUDGET/FINANCIAL INFORMATION:

The proposed FY 2012 budget for the City Clerk's Office includes \$300,000 to cover the cost of the November 8, 2011, general municipal election.

PREPARED BY: Cynthia M. Rodriguez, CMC, City Clerk Services Manager

SUBMITTED BY: Marcelo A. López, Assistant City Administrator/Administrative Services Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 17, 2011

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Increase In Construction Change Order Authority For The Santa Barbara Airport Airline Terminal Improvement Project

RECOMMENDATION: That Council:

- A. Authorize an increase in the Public Works Director's change order authority to approve expenditures for extra work for the Santa Barbara Airport Airline Terminal Improvement Project (Project), Contract No. 23,006, in the amount of \$1,270,000, to cover changes in work as a result of Transportation Security Administration (TSA) and airline tenants' requests, for a total Project change order expenditure authority of \$4,710,000; and
- B. Approve a transfer of \$248,000 from the Airport's Bond Construction Account, representing accumulated interest earnings on invested bond proceeds during construction, to the Airport Capital Fund to provide the balance of appropriations needed to cover the total estimated costs of the Project, including the increased change order.

DISCUSSION:

BACKGROUND

On March 24, 2009, Council awarded a contract for construction of the Project to Emma Corporation of Santa Monica, California, in the amount of \$32,858,000. The work includes construction of a new 72,000 square foot terminal building, demolition of a portion of the existing terminal, and relocation and rehabilitation of the historic 1942 Airport Terminal core. The work also includes construction of necessary site work, landscaping, parking lots, terminal aircraft parking apron, and vehicular access.

CURRENT STATUS

Construction on the Project commenced on November 2, 2009, and the original completion date was November 1, 2011. The completion date is now anticipated to be February 27, 2012, due to weather related delays and changes in the scope of work.

Council Agenda Report

Increase In Construction Change Order Authority For The Santa Barbara Airport Airline Improvement Project

May 17, 2011

Page 2

The Project is currently 68 percent complete, and 86 percent of the previously authorized change order funds have been expended.

There have been 10 contract change orders to date for the Project. Each contract change order contains several separate change order requests. There have been 213 change order requests that have been successfully negotiated between the contractor and City staff, for a total of \$2,958,290. The original change order allowance was \$3,440,000, leaving a remaining change order allowance to date of \$481,710.

The change order requests cover various trades and disciplines (electrical, mechanical, structural, etc.); a summary of the type of requests is provided in the table below. The requests are divided into four categories: Changed Field Conditions, TSA and Airline Tenant Requested Changes, Drawing Clarification Revisions, and Airport Requested Changes.

Changed Field Conditions	TSA and Airline Tenant Requested Changes	Drawing Clarification Revisions	Airport Requested Changes	Change Order Expenditures To Date
\$285,897	\$1,270,000	\$1,125,725	\$276,668	\$2,958,290

A changed field condition is simply a condition that existed on the site that was unknown by the contractor at bid time. For instance, while installing building footings and light standards, high groundwater was encountered that caused the footing size to be increased, thus adding cost to the Project.

TSA and airline tenant requested changes are changes to the contract work made at the request of the TSA, and airline tenants. An example of an airline tenant change was an airline-operational space change due to airlines leaving (Express Jet), and coming (Frontier) to the Airport after the Project was bid. Another example was multiple revisions made to the layout of the TSA baggage screening and passenger screening rooms, in order to accommodate changes in TSA mandated equipment that will be operational at Santa Barbara Airport. These changes had significant impacts to the electrical, telecom, and plumbing systems in the TSA spaces of the building.

Drawing clarification revisions are changes to the drawings that need to be made in order to construct the Project. These are clarifications and added detail to the plans that make it possible for the contractor to construct the work as intended. In a project this size, there are numerous areas where the contractor asks for clarification of the plans. Clarifications from the architect or engineer can lead to increased cost for the contractor. An increase in cost due to a clarification is negotiated by City staff and then included in the contract as a change order. Typical examples of drawing clarification revisions are modifications to paging devices at passenger boarding gates, and changes to the fire sprinkler system in order to run the fire sprinkler piping through the ceiling beams instead of below the ceiling beams.

Airport requested changes are changes requested by the Airport Department to meet operational needs. Typical examples of these changes are changing the type of door locks, and modifications to the photovoltaic system.

INCREASE IN CHANGE ORDER AUTHORITY

Due to the fact that the Project is 68 percent complete, yet 86 percent of the change order allowance has been expended, staff is recommending that Council increase the construction change order authority for this Project. The increase of \$1,270,000 is needed to offset the cost of unanticipated changes stemming from TSA and airline tenant requested changes. This will cover more typical change order items and additional changes that may occur during the balance of the Project, which involves relocating and rehabilitating the core portion of the original Airline Terminal. This building is known to have both dry rot and termite infestation, and the full extent of the structural damage will only be known once construction commences.

BUDGET/FINANCIAL INFORMATION:

FUNDING

The following summarizes the additional expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Base Contract	Change Order	Total
Initial Contract Amount	\$32,858,000	\$3,440,000	\$36,298,000
Proposed Increase	-0-	\$1,270,000	\$1,270,000
TOTALS	\$32,858,000	\$4,710,000	\$37,568,000

The following summarizes all Project design costs, construction contract funding, and other Project costs.

ESTIMATED TOTAL PROJECT COST

**Cents have been rounded to the nearest dollar in this table.*

Design	Subtotal	\$9,118,214
Construction Contract		\$32,858,000
Construction Change Order Allowance		\$4,710,000
Construction Management/Inspection (by City Staff)		\$316,211
Construction Management (by Contract)		\$4,390,190
Construction	Subtotal	\$42,274,401
Project Total		\$51,392,615

The Airline Terminal Project currently has \$1,022,000 in appropriated funds available to cover all but \$248,000 of the increased change order request. The funds were appropriated in the Airport Terminal Project account as a contingency and are now available to cover most of the change order increase requested.

Staff recommends the balance of \$248,000 be funded from accumulated interest in the bond construction account, which currently totals \$263,000. This will provide a total of \$1,270,000 in appropriations to cover the increase in change order authority.

PREPARED BY: Owen Thomas/Principal Civil Engineer/LR/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 17, 2011
TO: Mayor and Councilmembers
FROM: City Attorney's Office
SUBJECT: Conference with Legal Counsel – Pending Litigation

RECOMMENDATION:

That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is *Drew Josfan vs. Nylon Project, LLC, etc., et al., USDC Case No. CV 09-7904 AHM (PLAx)*.

SCHEDULING:

Duration: 30 minutes; anytime

REPORT:

None anticipated

SUBMITTED BY: Stephen P. Wiley, City Attorney

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. **440.05**

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 17, 2011

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Conference With Labor Negotiator

RECOMMENDATION:

That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with General, Treatment and Patrol, and Supervisory bargaining units, and regarding discussions with unrepresented management about salaries and fringe benefits.

SCHEDULING: Duration, 30 minutes; anytime

REPORT: None anticipated

PREPARED BY: Kristy Schmidt, Employee Relations Manager

SUBMITTED BY: Marcelo López, Assistant City Administrator

APPROVED BY: City Administrator's Office